



Personnel Policies

RESOLUTION No. 1780

Updated May 13, 2009

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RESOLUTION NO. 1780
A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR CITY OF ANACORTES EMPLOYEES AND SUPERSEDING RESOLUTION NO. 1747 IN ITS ENTIRETY, PASSED AND APPROVED ON THE 19th DAY OF NOVEMBER 2007

WHEREAS, the City of Anacortes believes that it is in the best interest of the City and our employees to have written personnel policies to help the City of Anacortes meet our mission statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them.

AND WHEREAS this Manual has been prepared as a guide and reference for employees: nothing in this Manual creates an express or implied contract or promise concerning the City of Anacortes's policies or practices, including policies or practices it will implement in the future; the City of Anacortes retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Anacortes, Washington, as follows:

The Mayor and City Clerk are hereby authorized and directed to execute said personnel policies, a copy of which is attached hereto and by this reference made part hereof, as the official act and deed of the City of Anacortes.

PASSED and APPROVED this 18th day of May 2009.

CITY OF ANACORTES

H. Dean Maxwell, Mayor

ATTEST

Steven D. Hogle, City Clerk-Treasurer

POLICY 100 PERSONNEL POLICIES

RECEIPT OF PERSONNEL POLICIES

All employees should read the following; then sign, date and return the form to the Human Resource Department. The form will be placed in the employee's personnel file.

Enclosed are the City of Anacortes's personnel policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and rules, and some organizational philosophy. The most current personnel policies are always available on the intranet for your review.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. These policies are general guidelines and do not constitute promises of specific treatment. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

As the City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. You will be notified of any such changes.

If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department head, or the Mayor.

I have read and understand the statement above.

Employee Signature

Employee Printed Name

Date

(Return one signed copy of this form to the Human Resources Department.)

POLICY 101 MAYOR'S LETTER

To: All Supervisors & Managers

Re: Personnel Policies

This Manual has been prepared as a guide and reference for a member of management at all levels of supervisory responsibility. This information is to be used to help guide employer/employee relations. The Manual has the approval of the City Council, Mayor, and Department Heads.

We believe that it is in the best interest of the organization and our employees to have written personnel policies to help the City of Anacortes meet our mission, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors and Managers who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action. Please also understand that no supervisor, manager, or representative of the City has the authority to make any written or verbal statements or representations, which are inconsistent with these policies without prior approval from the Mayor. We depend upon you for the successful development of a productive, legal, and harmonious working environment for our employees.

Accordingly, I request that you thoroughly familiarize yourself with the contents of this Manual so that all personnel policies of the organization may be administered appropriately.

Mayor H. Dean Maxwell

May 19, 2009

POLICY 102 FUNCTIONS OF THIS MANUAL

Policy:

This Manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

Comment:

- (1) This Manual contains general statements of City of Anacortes policy and should not be read as including the details of each policy. However, in many cases details are provided and appropriate cross-references are made. This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City of Anacortes may add to the policies in the manual, revoke, or modify them from time to time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.
- (2) These personnel policies shall apply to all City employees. They shall not apply to elected officials, the Mayor, or independent contractors. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining agreement, employee contract, or in cases where the application of these policies would conflict with applicable Civil Service rules and regulations, the provisions of the contract and/or the Civil Service rules shall govern. In all other cases, these policies shall govern.
- (3) Except as specified below, non-represented employees can be terminated only “for cause.” Simply defined, “for cause” generally means that the employer has a performance-related or disciplinary reason for terminating the employee. Probationary employees are “at-will” employees and can be terminated without cause. Employees who have an individual contract designating their employment as “at will” can also be terminated without cause.
- (4) The Human Resource Department is responsible for distribution of the Manuals to employees who, in turn, are responsible for inserting approved changes.
- (5) The Human Resource Department will continue to review and recommend changes to the Mayor in the City of Anacortes’s personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. The Human Resource Department is responsible for disseminating new policy information.
- (6) Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Human Resource Department.
- (7) As used in the Manual:
 - (a) Use of the masculine or feminine gender should be interpreted to include persons of both gender;
 - (b) “Supervisor” means an individual with the authority to assign, direct, and review the work of one or more subordinates; and

(c) "Immediate family" means the employee's spouse, brother, sister, mother, father, stepmother, stepfather, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandparent-in-law, and any other resident member of the employee's household unless otherwise specified.

POLICY 103 CODE OF EMPLOYER-EMPLOYEE RELATIONS

Policy:

The City of Anacortes implements fair and effective personnel policies and requires all employees support the organization's best interests.

Comment:

- (1) The City of Anacortes is committed to a mutually rewarding and direct relationship with its employees. Thus, the City of Anacortes :
 - (a) Provides equal employment opportunity and treatment regardless of race, religion, color, sex, sexual orientation, age, national origin, disability, pregnancy, or military/veteran status (See PRODUCTIVE WORK ENVIRONMENT Policy 202.);
 - (b) Provides compensation and benefits commensurate with the work performed (See Pay Practices, Section 300);
 - (c) Establishes reasonable hours of work based on the City of Anacortes's needs (See Hours of Work, Policy 210);
 - (d) Monitors and complies with applicable federal, state, and local laws and regulations concerning employee safety (See Employee Safety and the safety committee, Policy 601);
 - (e) Offers training opportunities for those whose talents or needs justify the training;
 - (f) Is receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
 - (g) Establishes appropriate means for employees to discuss matters of concern with their immediate supervisor or department head. (See Dispute Resolution Procedure, Policy 902.)
- (2) The City of Anacortes, as part of its commitment to providing customers with excellent products and services and to creating a productive work environment, expects all employees to:
 - (a) Deal with customers and vendors in a professional manner;
 - (b) Represent the City of Anacortes in a positive and ethical manner;
 - (c) Perform assigned tasks in an efficient manner;
 - (d) Be punctual (See Attendance and Punctuality, Policy 701);
 - (e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
 - (f) Follow the policies adopted by the City of Anacortes.

(3) The City of Anacortes retains the sole discretion to exercise all managerial functions, including the rights to:

- (a) Dismiss, assign, supervise, and discipline employees;
- (b) Determine and change starting times, quitting times, and shifts;
- (c) Transfer employees within departments or into other departments and other classifications;
- (d) Determine and change the size and qualifications of the workforce;
- (e) Determine and change methods by which its operations are to be carried out including contracting out services;
- (f) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the municipality; and
- (g) Assign duties to employees in accordance with the City of Anacortes's needs and requirements and to carry out all ordinary administrative and management functions.

POLICY 104 ETHICS

Policy:

The City of Anacortes conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

Comment:

(1) The City of Anacortes is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Anacortes employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, or reputation or otherwise cause embarrassment to the City. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- (a) Using public office or public position for private gain
- (b) Giving preferential treatment to any person or entity
- (c) Losing impartiality
- (d) Adversely affecting the confidence of the public in the integrity of the City of Anacortes.

(2) Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. The City of Anacortes will maintain a program to communicate to employees its commitment to integrity and uncompromising values. The program will inform employees of city policies and procedures regarding ethical business conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who use City reporting mechanisms to raise genuine concerns will not be tolerated.

(3) The Human Resource Department is responsible for providing policy guidance and issuing procedures to assist employees in complying with City of Anacortes expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

POLICY 201 EQUAL EMPLOYMENT OPPORTUNITY

Policy:

The City of Anacortes provides equal opportunity in employment to all employees and applicants for employment. The City employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, disability, military status or any other characteristic protected by law.

POLICY 202 PRODUCTIVE WORK ENVIRONMENT

Policy:

The City of Anacortes promotes a productive work environment and does not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

Comment:

- (1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, disability, military status or any other characteristic protected by law.
- (2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. Prohibited conduct includes, but is not limited to:
 - (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
 - (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
 - (c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
 - (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
 - (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct, or other offensive conduct, directed at individuals because of their sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, disability, military status or any other characteristic protected by law is also prohibited.

- (4) Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the Human Resources Director. If the complaint involves the Human Resources Director, the complaint should be made to the Mayor.

(5) Complaints of harassment will be handled and investigated under the City of Anacortes's dispute resolution policy (See Dispute Resolution Procedure, Policy 902), unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

(6) Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The City of Anacortes prohibits any form of retaliation against employees for bringing complaints or for cooperating during an investigation. Employees who bring complaints may be subject to discipline if the investigation reveals that the complaint was made in bad faith.

POLICY 203 WORKPLACE VIOLENCE

Policy:

The City of Anacortes is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Therefore, in an effort to help prevent or reduce the possibility of violence here in our workplace, the City of Anacortes has implemented this policy on workplace violence for our employees.

Comment:

(1) Workplace Violence Prohibition. The City of Anacortes strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:

- (a) Threatening injury or damage against a person or property
- (b) Fighting or threatening to fight with another person
- (c) Threatening to use a weapon on City of Anacortes premises (unless such threat is a lawful use of force by an employee required to carry a firearm or weapon as a condition of employment)
- (d) Abusing or injuring another person
- (e) Abusing or damaging property
- (f) Using obscene or abusive language or gestures in a threatening manner
- (g) Raising voices in a threatening manner

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

(2) **"City of Anacortes Premises" Definition:** The term "premises" means all areas within the ownership and/or control of the City of Anacortes, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other City of Anacortes owned property on which employees may work. The City of Anacortes ***reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for work place safety.***

(3) **Reporting Violent Conduct.** Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Human Resources Director as soon as possible. Incident reports are to be completed, as appropriate. If the City of Anacortes determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge. The Human Resource Department and Department Head shall handle concerns with members of the public or other parties as it determines under its policies and procedures.

(4) **Imminent Danger/Violence Incident Procedure.** Any employee who reasonably believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, the employee should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate manager.

(5) **Security Precautions.** All City of Anacortes security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge.

- (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
- (b) Inspecting their work areas periodically;
- (c) Identifying conditions that are recognized as being unsafe; and
- (d) Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care. (See Medical Procedures, Policy 205.)

POLICY 204 HIRING

Policy:

The City of Anacortes is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job to be filled.

Comment:

(1) The City of Anacortes will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:

- (a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- (b) Create an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

(2) Employees who marry or become members of the same household may continue employment as long as there is not:

- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
- (b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City of Anacortes would attempt to find a suitable position within the City of Anacortes to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City of Anacortes will decide which of the employees will be terminated.

(3) Former employees who left the City of Anacortes in good standing may be considered for re-employment. Former employees who resigned without written notice or who were dismissed for disciplinary reasons may not be considered for re-employment. (See TERMINATION OF EMPLOYMENT, Policy 213.) A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 3 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.) Employees who retire may be eligible, in certain circumstances, to be considered for rehire. (See RETIREMENT, Policy 214.)

POLICY 205 MEDICAL PROCEDURES

Policy:

The City of Anacortes may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization and are job-related and consistent with business necessity.

Comment:

- (1) Successful applicants for employment may be required as a condition of employment to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made should be examined.
- (2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, or has a questionable ability to perform essential job function due to a medical condition.
- (3) Employees are encouraged, but not required, unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
- (4) Medical examinations required by the City of Anacortes will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Anacortes are the property of the City of Anacortes, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- (5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs. (See DRUGS, NARCOTICS, & ALCOHOL Policy 808)
- (6) The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second and, if necessary, third medical opinion regarding an employee's absence because of illness or injury. The City will pay for any additional opinions it requires.
- (7) Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.

- (8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. Supervisory will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.
- (9) The City also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing, see (See DRUGS, NARCOTICS, & ALCOHOL Policy 808).

POLICY 206 PROBATIONARY PERIOD

Policy:

The City of Anacortes carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial probationary period. After satisfactory completion of the probationary period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS policy. (See PERFORMANCE APPRAISALS Policy 302.)

Comment:

- (1) Normally, the probationary period should be twelve months or as designated in the appropriate collective bargaining agreements and/or Civil Service Rules and Regulations. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
- (2) Supervisors should prepare a written evaluation of the employee's job performance before the end of the probationary period on the new job. (See Performance Appraisals, Policy 302.) The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and the Human Resource Department for inclusion in the employee's personnel file. (See Personnel Records, Policy 901.)
- (3) Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their probationary period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance. Supervisors may recommend the termination of a newly hired employee at any time. Probationary employees are at-will employees. A recommendation for termination should be submitted in writing to the Human Resource Department for review and should include an evaluation and a list of actions taken to assist the employee. (See also Termination of Employment, Policy 213.) Action to terminate should have the prior approval of the Human Resource Department.
- (4) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated. (See Internal Job Openings, Policy 207; and Promotion, Policy 208.)

POLICY 207 INTERNAL JOB OPENINGS

Policy:

The City of Anacortes may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

Comment:

(1) The City of Anacortes may require employees to make either a temporary or long-term job transfer in order to accommodate the organization's business needs. The City of Anacortes will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.

(2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.

(3) Job openings for which management solicits candidates from within the City of Anacortes are normally posted on the employee bulletin board and on the City's website. However, as it considers appropriate, management will fill job openings or make transfers without posting notices.

(4) Internal Job Openings

Eligible employees who request a transfer generally will be considered in the following order:

- (a) Employees in the same department as the job opening;
- (b) Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job (See Layoff and Recall, Policy 210); and
- (c) All other employees.

(5) Application Process for Internal Job Openings

Requests for transfer normally should be handled as follows:

(a) The employee should submit an internal job application form to the Human Resource Department. The request should include the reason for the transfer and the department and specific job that the employee wants. Requests based on posted job openings must comply with the procedures described in Promotion, Policy 208, and should be initiated prior to the cut-off date specified in the posting. It is recommended that employees inform their immediate supervisor of their intent to apply for another position.

(b) The Human Resource Department and hiring manager should determine if the requested job or a suitable job opening exists and whether the employee is eligible.

(c) If the employee is eligible for a job opening, the hiring manager should arrange an interview with the candidate. The candidate will be allowed time off with pay for job interviews related to the transfer.

(d) The department head with the job opening will make the final transfer decision, subject to prior approval of the Human Resource Department and Mayor. (See Promotion, Policy 208.)

(e) Supervisors and department heads may initiate the procedure and propose employees for a position.

(6) Transferred employees will be subject in their new positions to the provisions of the Probationary Period Policy. (See Probationary Period, Policy 206.). Transferred employees may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See Medical Procedures, Policy 205.)

(7) Transferred employees will retain their existing job seniority.

(8) Pay for transferred employees generally will be handled as follows:

(a) Employees transferred to a job within the same salary range will continue to receive their existing rate of pay;

(b) Employees transferred to a job in a higher salary range will be paid at a rate within the higher range to be determined at the time of transfer;

(c) Employees transferred, for management's convenience, to a job in a lower salary range will usually be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job; and

(d) Employees who are transferred for disciplinary reasons, lack of work, budgetary reasons, municipal reorganization, or at their own request to a job in a lower salary range will be paid at the lower rate beginning with the start of the new job.

POLICY 208 PROMOTION

Policy:

The City of Anacortes may offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City of Anacortes's best interest.

Comment:

- (1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, department head, and the Human Resource Department.
- (2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve months, have a satisfactory performance record, and have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.
- (3) Job openings and promotions for which management solicits candidates from within the City of Anacortes normally will be posted on the employee bulletin board and announced on the City's website. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
 - (a) Interested employees must complete an internal application form and cover letter and forward it to the Human Resource Department prior to the cut-off date specified in the posting;
 - (b) Department heads may initiate the procedure within the same time period and propose employees for the position; and
 - (c) The Human Resource Department may, at its discretion, solicit outside candidates during or after the posting period.
- (4) Employees who are candidates for job openings and promotions will be considered for the position as outlined in the Transfer policy. (See Transfer, Policy 207.)
- (5) Employee candidates for promotion will normally be screened and selected based on attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if required by a labor contract. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See Medical Procedures, Policy 205.) Promoted employees will be subject to the provisions of the Probationary Period policy in their new positions. (See PROBATIONARY PERIOD, Policy 206.) Seniority and pay for promoted employees will be handled as outlined in the Transfer policy. (See TRANSFER, Policy 207.)

POLICY 209 HOURS OF WORK

Policy:

The City of Anacortes establishes the time and duration of working hours as required by workload and workflow, customer service needs, the efficient management of employees, and any applicable law or bargaining agreement.

Comment:

- (1) The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police, fire, water and wastewater employees, may be established by the City to meet job assignments and provide necessary City services. Rest or coffee breaks are considered as time worked.
- (2) Each employee's scheduled work hours will be determined by his or her department head. The department head, or the department head's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the City of Anacortes. (See REST BREAKS, Policy 703; and MEAL BREAKS, Policy 704.)
- (3) Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.
- (4) Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
- (5) Nonexempt employees normally will be granted a minimum of two hours of "reporting pay" and "call-back pay." Reporting pay will be granted when employee reports for work and no work is available. However, reporting pay will not be granted if the lack of work is the result of conditions beyond the City of Anacortes's control or if employees refuse to accept other work that they are qualified to perform. When work is not available, the City of Anacortes will make a reasonable effort before starting time to notify employees not to report to work. Call back pay will be granted when employees are asked to come to work outside of their normal working hours.
- (6) Department heads, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
- (7) Nonexempt Timesheets
All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15th and 16-end of month) and must be completed by dates determined by the Finance Department. The following points should be considered in filling out time records:

- (a) Employees should record their total hours worked for each workday;

(b) Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;

(c) Employees are required to take scheduled lunch or meal breaks;

(d) Employee time records should be checked and signed by the supervisor involved. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime;

(e) Unapproved absences should not be considered as hours worked for pay purposes. (See ATTENDANCE AND PUNCTUALITY, Policy 701; and ABSENCES, Policy 702.) Supervisors should inform employees if they will not be paid for certain hours of absence; and;

(f) Timesheet estimation is permitted following established guidelines; however, falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURES, Policy 807.)

(8) **Compensatory Time Off**

Nonexempt employees can earn overtime for hours worked beyond the normal workweek. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours of compensatory time-off is earned for one hour of work beyond the normal workweek.

(a) Maximum accruals of compensatory time shall be limited to two hundred-forty (240) hours or per bargaining agreement. After maximum accrual, overtime compensation will be paid to nonexempt employees.

(b) Employees may use compensatory time after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head.

(c) Upon termination, employees receive compensation for their accrued compensatory time balance.

(9) **Exempt Timesheets and Exchange Time Off**

Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act.

(a) Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.

(b) Exempt employees do not receive overtime compensation. Exempt employees are eligible to receive exchange time off on a one for one basis for work in excess of forty hours during their normal workweek.

(c) Maximum accruals of exchange time shall be limited to 240 hours. Exempt employees will not continue to accrue exchange time after reaching the maximum.

(d) Upon termination, accrued exchange time hours are not eligible for payout.

(10) For policies and procedures regarding pay practices, see PAY PRACTICES, Policy 300.

POLICY 210 OUTSIDE EMPLOYMENT

Policy:

The City of Anacortes allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

Comment:

- (1) Employees are required to disclose outside work or other jobs to their department head and obtain pre-approval to perform outside work or hold another job.
- (2) The City of Anacortes requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Anacortes. (See CONFLICTS OF INTEREST, Policy 805.) This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Anacortes personnel. This prohibition also extends to the unauthorized use of any City of Anacortes resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
- (3) Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems. (See DISCIPLINARY PROCEDURE, Policy 807.)
- (4) In evaluating whether to grant approval for outside work, department heads and the Human Resource Department will consider whether the proposed employment:
 - (a) May reduce the employee's efficiency in working for the City of Anacortes;
 - (b) Involves working for an organization that does a significant amount of business with the City of Anacortes, such as major contractors, suppliers, and customers; or
 - (c) May adversely affect the City of Anacortes's image.
- (5) If employees outside employment job duties are similar or related to their City of Anacortes service, or if they cause the employee to deal with people or entities whom the employee deals with for the City of Anacortes duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of the City of Anacortes.
- (6) Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.)

POLICY 211 EMPLOYEE CLASSIFICATIONS

Policy:

The City of Anacortes classifies employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, the City of Anacortes may supplement the regular workforce, as needed, with other forms of flexible staffing.

Comment:

(1) The Human Resource Department is responsible for classifying employees. Employees generally may be categorized as follows:

- (a) A **full-time employee** is an individual who works a normal forty-hour workweek and is hired for an indefinite period. (See HOURS OF WORK, Policy 209.) A full-time employee may be classified as either exempt or nonexempt.
- (b) A **part-time employee** is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.
- (c) A **temporary employee** generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt. A temporary employee who works more than one thousand, forty regular hours (1040) in a work year may be required to join the applicable bargaining unit.
- (d) A **nonexempt employee** generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
- (e) An **exempt employee** is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, outside sales representatives, and certain highly skilled computer professionals. (See HOURS OF WORK, Policy 209.)

Other flexible staffing classifications or arrangements may be added as needed.

(2) For information regarding eligibility for paid absences, vacations, and holidays see ABSENCES, Policy 702; VACATIONS, Policy 502; and HOLIDAYS, Policy 503. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other City of Anacortes benefits, such as the pension plan, is available from the Human Resource Department.

POLICY 212 LAYOFF AND RECALL

Policy:

If the City of Anacortes must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with City of Anacortes requirements and in accordance with the procedures described below.

Comment:

(1) In the event that a layoff is expected, the City of Anacortes will attempt to communicate information about an impending layoff as soon as possible. However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the City of Anacortes's interests.

(2) Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in TERMINATION OF EMPLOYMENT, Policy 213; and SEVERANCE PAY, Policy 303.

(3) Evaluation of the foregoing criteria shall be within the sole discretion of the City. Employees will be selected for lay off, based on the following criteria:

- (a) Promotion potential and transferability of skills to other positions within the unit;
- (b) Demonstrated current and past performance;
- (c) The needs of the City of Anacortes; and
- (d) Length of service with the City of Anacortes.

(4) An employee's length of service is measured from the original date of employment with the City of Anacortes, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Anacortes.

(5) Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.

(6) Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Human Resource Department if they become unavailable for recall. Employees who do not keep a current home address on record with the Human Resource Department will lose their recall rights.

(7) Employees will be recalled according to needs of the City of Anacortes, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Human Resource Department. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the City of Anacortes.

(8) Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.

(9) If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

POLICY 213 TERMINATION OF EMPLOYMENT

Policy:

The City of Anacortes may terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the City of Anacortes reserves the right to terminate employment with cause. The exception to this is with "at will" employees, such as probationary employees and department heads (who have individual contracts with the City of Anacortes) who may be terminated at any time, with or without notice and with or without cause. At will employees, however, cannot be terminated for any reason that would violate anti-discrimination laws or public policy.

Comment:

(1) Employees are requested to give written notice of their intent to resign including the anticipated date of termination. Failure to give written notice may result in ineligibility for re-employment. (See HIRING, Policy 204; and VACATIONS, Policy 502.) The following guidelines are suggested:

(a) Department heads and managerial employees should give four weeks' notice;
and

(b) All other employees should give at least two weeks' notice.

(2) Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)

(3) The Human Resource Department is responsible for notifying terminating employees, who are covered by the City of Anacortes's group health plan, of their right to continue coverage under that plan. (For a special summary of the Consolidated Omnibus Budget Reconciliation Act "COBRA" continuation coverage requirements, see Appendix A).

(4) Supervisors should send notices of resignation and recommendations for termination to the Human Resource Department for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary report. (See PERFORMANCE APPRAISALS, Policy 302; and DISCIPLINARY PROCEDURE, Policy 807.)

(5) Requests for employment references should be made in writing to the Human Resource Department and should include an authorization by the employee for the release of the requested information. Generally, the Human Resource Department will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the City of Anacortes. Employees may request that their supervisor provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)

POLICY 214 RETIREMENT

Policy:

The City of Anacortes determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officer's and Firefighter's Retirement System (LEOFF). Regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

Comment:

(1) Employees who choose to take normal retirement are requested to give the Human Resource Department as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.

(2) Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the City of Anacortes's employee benefit plans. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.) Retiring employees are eligible to receive pay for accrued but unused vacation. (See Vacations, Policy 502.) All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the City of Anacortes's and the Washington State Retirement System's discretion.

(3) The Washington State Department of Retirement Systems administers the retirement benefits. Human Resources will post any notices required by law on the City of Anacortes's bulletin boards.

Department of Retirement Systems
P.O. Box 48380
Olympia, Washington 98505-8380
Website: <http://www.wa.gov/DRS/drs.htm>

E-mail: recep@drs.wa.gov

DRS Reception Center Phone: 1-800-547-6657

TDD Line (for the hearing impaired): (360) 586-5450

When contacting the Washington State Department of Retirement Systems the following identifying information is necessary: Your name, retirement system plan, and your Social Security number.

(4) Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City of Anacortes should make that interest known at their exit interview. (See HIRING, Policy 204; and TERMINATION OF EMPLOYMENT, Policy 213.) Hiring an applicant who is receiving PERS retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one (1) month prior to starting a new job with the City of Anacortes.

POLICY 301

SALARY ADMINISTRATION

Policy:

The City of Anacortes pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City of Anacortes's overall financial condition and competitive position.

Comment:

(1) New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head, the human resource department, and the Mayor.

(2) The Human Resource Department is responsible for coordinating with the Mayor the continuing review of compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

POLICY 302 PERFORMANCE APPRAISALS

Policy:

The City of Anacortes will evaluate the job performance of each employee periodically.

Comment:

- (1) Supervisors should complete performance appraisals upon the following occasions:
 - (a) By the end of the first twelve months of employment (See PROBATIONARY PERIOD, Policy 206);
 - (b) Then on an annual basis (based on anniversary date or in December of each year).

Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development on an employees' performance appraisal. These notes are to be destroyed following the performance appraisal.

- (2) In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
- (3) Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
- (4) Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.
- (5) The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the Human Resource Department for review and inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.) Employees may have a copy of their completed performance appraisal for their records.
- (6) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

POLICY 303 SEVERANCE PAY

Policy:

The City of Anacortes allows that severance pay may be granted to terminated employees under certain limited circumstances. The City of Anacortes, however, retains the right to amend or terminate its severance policy at any time.

Comment:

- (1) Severance pay is intended to provide extra economic help to certain terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees.
- (2) The Human Resource Department is responsible for administering City of Anacortes policy on severance pay and will handle any employee claims or complaints.
- (3) Employees may be considered eligible for severance pay if they have worked full-time for at least one year and are terminated because of:
 - (a) A permanent reduction in force (unless the employee refuses a transfer recommended by the City of Anacortes);
 - (b) The elimination of the job or position.
- (4) Employees normally will not be considered eligible for severance pay if their employment is terminated because of:
 - (a) An employee-initiated voluntary resignation;
 - (b) Misconduct;
 - (c) A layoff that is expected to be short-term (less than 30 days);
 - (d) A breach of an employment agreement;
 - (e) normal retirement, permanent disability, or death.
- (5) Eligible employees may be required to sign a release agreement in order to receive severance pay.
- (6) When severance pay is granted, eligible employees normally will receive 2 weeks regular straight-time pay for 1–4 years of continuous service; 3 weeks regular straight-time pay for 5-9 years of continuous service; and 4 weeks regular straight time pay for 10+ years of continuous service. Severance pay is calculated from the most recent date of hire. Unless otherwise provided, payment will be made in a lump sum at the time when final termination pay is provided.

POLICY 304 PAY PROCEDURES

Policy:

The City of Anacortes pays employees by check or direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

Comment:

(1) Employees normally will be paid on the fifth (5th) day and the twentieth (20th) of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday.

(2) Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.

(3) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. In the case of a mistake made by the City and greater than \$50.00, the error will be remedied promptly. In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City of Anacortes will not be responsible for the loss or theft of a check if it cannot stop payment on the check.

(4) Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. After maximum accrual, overtime compensation will be paid to nonexempt employees

Exempt employees are eligible to receive exchange time off on a one to one basis for work in excess of forty hours during their normal workweek. Maximum accruals of exchange time shall be limited to 240 hours. (For a more detailed discussion of exempt and nonexempt status, see EMPLOYEE CLASSIFICATIONS, Policy 211.)

(5) Employees who wish to authorize another person to pick up their paycheck must complete a "Payroll Warrant Pick Up Authorization Form." A copy of the completed form must be provided to the employee's manager and the finance department. Paychecks will not be distributed without an authorization in place.

(6) For policies and procedures regarding on-call and reporting pay, see Hours of Work, Policy 209. For policies and procedures governing pay upon termination, see TERMINATION OF EMPLOYMENT, Policy 213.

(7) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their immediate supervisor. If the employee and immediate supervisor are not able to resolve the question, the employee should contact the department head or Human Resources Department.

POLICY 305 INTERIM ASSIGNMENTS

Policy:

The City of Anacortes may authorize interim assignments during the absence of supervisory employees in specific situations.

Comment:

Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence. Employees may be assigned the responsibilities as an "interim" or "acting" supervisor or department head during times of vacation, sick leave, or other absences that require more than 15 consecutive business days away from work. Interim assignments require pre-approval from the Mayor. Interim supervisors will receive a wage premium of 9% beginning on the 16th consecutive day of the assignment. Interim assignments are limited to 90 business days. Extensions require approval by the Mayor. The interim supervisor must be able to assume the majority of the duties of the higher classification and have the education and/or certificate requirements stated in the job description. If an employee covered by a bargaining unit is assigned to a non-union interim assignment, the City of Anacortes' policy supersedes the bargaining agreement. If an employee covered by a bargaining agreement is assigned to a position within the same bargaining unit the bargaining agreement procedures take precedence.

POLICY 401 TRAVEL

Policy:

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines described in the supplementary Travel Policy Manual. The Finance Department maintains the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate the travel policy at any time.

Comment:

- (1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
- (2) Supervisors, the Mayor, and the Council Finance Committee must approve any employee travel in advance. All mileage or usage credits awarded by transportation, credit card, and other travel service companies are to be assigned to the City of Anacortes.
- (3) The City of Anacortes may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- (4) Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
- (5) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor, the Mayor, and the Council Finance Committee. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. The Travel Policy Manual describes the per diem method of allowable reimbursement. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses or other non-employees who may accompany the employee.
- (6) Employees whose jobs require travel will be issued City of Anacortes credit cards for payment of business expenses. City of Anacortes credit cards are City of Anacortes property, and their use must be properly documented and approved as outlined in Comment (5), above.
- (7) Time spent by nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) in traveling away from home on City of Anacortes business during normal working hours (including what would be normal working hours on a day not usually scheduled to work) are considered hours worked for pay purposes. (See HOURS OF WORK, Policy 209.)
- (8) Employees traveling on City of Anacortes business are representatives of the City of Anacortes and are expected to maintain a high level of professionalism and to follow all of the City of Anacortes's policies and rules. (See BEHAVIOR OF EMPLOYEES, Policy 801.)

POLICY 402 AUTOMOBILE USAGE

Policy:

The City of Anacortes provides vehicles for business use, to allow employees to drive on City of Anacortes business, and to reimburse employees for business use of personal vehicles according to the guidelines below. For further clarification, refer to the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate travel policy at any time. (The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.)

Comment:

(1) Employees may not drive any vehicles for City of Anacortes business without prior approval of their supervisor. Periodically, before approving a driver, each supervisor should check the employee's driving record, with the employee's consent; and verify the existence of a valid driver's license and personal auto liability coverage. Employees approved to drive on City of Anacortes business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

(2) Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors.

For all other jobs, driving is considered only an incidental function of the position.

(3) If possible, City of Anacortes vehicles will be permanently assigned to departments that have demonstrated a continued need for them. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.

(4) Employees who need transportation in the course of their normal work may be assigned a City of Anacortes vehicle for their use. All other employees needing transportation for City of Anacortes business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no City of Anacortes vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.

(5) Employees who drive a vehicle on City of Anacortes business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, to avoid distractions while driving (such as using cellular telephones), and to maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisors. Employees who drive a City vehicle also should ensure that the vehicle is kept clean and free of litter.

(6) Non-employees and non-business passengers are prohibited from riding in City of Anacortes vehicles, i.e., family and friends.

(7) Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for City of Anacortes business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by their personal insurance agent.

(8) Employees must report any accident, theft, or malicious damage involving a City of Anacortes vehicle to their supervisor and the Personnel Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

(9) Employees who are on call on a 24-hour basis and may be allowed to take a City of Anacortes vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.

(10) Employees are not permitted, under any circumstances, to operate a City of Anacortes vehicle, or a personal vehicle for City of Anacortes business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Anacortes vehicle at any time or operate any personal vehicle while on City of Anacortes business while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.

(11) In most circumstances, time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a City or personal vehicle on City business is considered hours worked for pay purposes. However, under most circumstances, commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

POLICY 403 MEAL REIMBURSEMENT

Policy:

The City of Anacortes provides, pays, or reimburses employees for business-related meals according to the guidelines below. For further clarification, the Travel Policy Manual should be referred to. The City of Anacortes retains the right to amend or terminate travel policy at any time.

Comment:

(1) Employees required to travel on City of Anacortes business may charge to the City of Anacortes, or be reimbursed for, the cost of all meals during their travel pursuant to the Travel Policy Manual per diem method of allowable reimbursement (See TRAVEL, Policy 401.). Meal reimbursements, which do not include an authorized overnight stay, are taxable and reimbursement will be included in the employee's paycheck following submittal to the Finance Department.

(2) Meal expenses should follow the guidelines set by the Travel Policy Manual.

POLICY 404 MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS

Policy:

The City of Anacortes encourages employees to participate in the activities of community clubs and civic organizations.

Comment:

(1) Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Anacortes's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Anacortes's interests. (See CONFLICTS OF INTEREST, Policy 805.)

(2) The Mayor may identify certain community organizations in which the City wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as City of Anacortes representatives in the organization and are expected to promote its interests.

(3) Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the City of Anacortes's request or under its direction and control.

(4) The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:

(a) The nature and purpose of the club or organization;

(b) The potential benefit to the City of Anacortes, including the enhancement of the employee's leadership and organizational skills;

(c) The cost to the City of Anacortes;

(d) The extent to which the City of Anacortes is already represented in the club or organization; and

(e) The employee's job responsibilities, length of service, and overall qualifications for membership.

The Mayor will review periodically its representation in community organizations and its sponsorship of employees for membership and will make changes as appropriate.

(5) Employees whose membership is sponsored by the City of Anacortes are encouraged to use the clubs or civic organizations for business purposes.

(6) Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only. A travel authorization form must be submitted and approved. Then an expenditure voucher must be completed to claim reimbursement.

(7) Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

POLICY 405 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS

Policy:

The City of Anacortes encourages employees to participate in certain trade and professional associations where there is a clear benefit to the City of Anacortes.

Comment:

- (1) Employees are encouraged to participate in trade and professional associations that promote City of Anacortes goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the City of Anacortes's interests and must fit within budgetary constraints. (See CONFLICTS OF INTEREST, Policy 805.)
- (2) The City of Anacortes may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Anacortes representatives in the association and are expected to promote its interests and to participate accordingly.
- (3) Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the City of Anacortes's request or under its direction and control. (See Hours of Work, Policy 209.)
- (4) Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Mayor. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
 - (a) The nature and purpose of the association;
 - (b) The potential benefit to the City of Anacortes, including enhancement of the City of Anacortes's reputation and the development of the employee's leadership and organizational skills;
 - (c) The cost to the City of Anacortes;
 - (d) The extent to which the City of Anacortes is already represented in the association; and
 - (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

(5) Department heads are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The City of Anacortes will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Mayor approves participation in the activity in advance.

(6) Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

(7) Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent the City of Anacortes's position or involve any information that is confidential. (See MEDIA INQUIRIES, Policy 806.)

POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE

Policy:

The City of Anacortes provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

Comment:

- (1) The City of Anacortes offers certain benefits to eligible employees, including health, life, and disability insurance and pension and retirement plans. Eligibility will depend upon the specific requirements of each benefit plan. The City of Anacortes also provides a number of other benefits such as leaves of absence, and paid vacation, holidays, and sick days. (For information on these additional benefits, see Sections 502, 503 and 702).
- (2) The Human Resource Department serves as the Administrator of the City's welfare and pension plans. The Administrator is responsible for communications and disclosures concerning City of Anacortes benefits and for compliance with all applicable laws and regulations. In addition, the Human Resource Department is available to answer questions concerning the benefit plans.
- (3) Under certain of the City's insurance and pension plans, each employee must designate a beneficiary for the employee's death benefits. The designation must be made in writing in a form acceptable to the insurance company or pension plan. It is the employee's responsibility to maintain the proper beneficiary designations and alert the Human Resource Department to any changes in status affecting eligibility or designations.
- (4) Employees, spouses, and dependents covered by the City of Anacortes health and welfare plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. Employees are responsible for contacting the Human Resource Department prior to a dependent's 19th birthday to determine if health insurance coverage can remain in effect (For additional information see APPENDIX. A, COBRA BENEFITS).
- (5) **Health Insurance Benefits** Regular employees who are classified as 80% or more FTE are eligible for health and welfare benefits.

Regular part time employees who are classified as 50% - 79% FTE are eligible for ½ of the employee-only medical insurance premiums provided by the City. Regular part time employees have the option of enrolling their eligible dependents on the City's medical insurance plan during open enrollment or for a qualifying event; however, the employee is responsible for all dependent costs.

(6) Domestic Partner and Domestic Partner Dependent Benefits

The following is criteria establishing a domestic partner as eligible to enroll in the medical insurance program. All medical premiums will be the responsibility of the employee.

This benefit is available for relationships of same and opposite gender who meet the following qualifications:

- (a) Are registered as domestic partners with the Washington Secretary of State, or
- (b) Provide sworn declarations to the Human Resources Director demonstrating that their relationship meets the following criteria:
 - Share the same regular and permanent residence for over one year; and
 - Have a close, personal and exclusive relationship; and
 - Are jointly responsible for “basic living expenses,” as defined below; and
 - Are not married to anyone; and
 - Are each eighteen (18) years of age or older; and
 - Are not related by blood closer than would bar marriage in the State of Washington; and
 - Were mentally competent to consent to contract when the domestic partnership began; and
 - Are responsible for each other’s common welfare.

Upon termination of a domestic partner relationship and termination of benefit coverage, a new domestic partner can be enrolled no earlier than 365 days following termination of the prior relationship.

“Basic living expenses” means the cost of basic food, shelter and any other expenses of a Domestic Partner, which are paid at least in part by a program or benefit for which the partner qualified because of the Domestic Partnership. The individuals need not contribute equally or jointly to the cost of these expenses as long as they agree that both are responsible for the cost.

The following is criteria establishing a domestic partner’s dependents eligible to enroll in the benefit programs. All medical premiums are the responsibility of the employee.

- (a) Natural, adopted or court-appointed legal guardian of an unmarried child to age 19. The natural, adopted or court-appointed guardian may remain on the program up to age 23, if:
 - (1) A full-time student at an accredited institution (for medical, dental and vision coverage); or
 - (2) Reliant upon the domestic partner for a majority of his/her support (for medical coverage only).
- (b) Totally incapacitated children due to developmental disability or physical handicap are eligible beyond the age limit of the contract, provided the child is chiefly dependent on the domestic partner for support and maintenance, and the disability occurred prior to the limiting age.

Employees should consult with the Human Resource Department for further information on these plans.

(7) Flexible Spending Accounts Employees have the option of paying for dependent care expenses or certain medical expenses with pre-tax dollars through flexible spending accounts. Employees forfeit any unused balance in the flexible spending account at the end of the plan year if there is any balance remaining. Employees should consult with the Human Resource Department for further information on these plans.

POLICY 502 VACATIONS

Policy:

The City of Anacortes grants annual vacations with pay to regular full-time and regular part-time employees in accordance with the guidelines established below.

Comment:

- (1) Vacations are accrued or earned based on the employee's length of service and on the time actually worked.
- (2) Full-time employees will accrue paid vacation according to the following schedule:

<u>Service Period</u>	<u>Vacation Accrual</u>	<u>Maximum Accrual</u>
First Calendar Year through 4	8 hours per month	176 hours
Calendar Years 5 through 9	10 hours per month	200 hours
Calendar Years 10 through 14	14 hours per month	240 hours
Calendar Years 15 and over	17 hours per month	240 hours

Vacation cannot be taken until hours are accrued. Employees whose vacation balance exceeds the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are responsible to monitor their accrual balance. If an employee requests vacation time off that has not accrued, but has personal holiday hours available, the personal holidays will be depleted.

- (3) Regular part-time employees whose full time equivalency is 50% or more are entitled to vacation on a pro-rata basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full time employee works in the same pay period. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation. (See EMPLOYEE CLASSIFICATIONS, Policy 211.)
- (4) Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation by the Human Resource Department. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)
- (5) Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
- (6) Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been set lose their seniority consideration.
- (7) Employees may not cash out accrued vacation pay except upon termination.

POLICY 503 HOLIDAYS

Policy:

The City of Anacortes designates and observes certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

Comment:

(1) The City of Anacortes observes the following holidays (8 hours each) per calendar year:

New Year's Day	January 1 st
Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25 th
3 Personal Holidays	See below

Employees may select three (3) personal holidays each year. On January 1st each year, 24 hours of personal holiday are added to an employee's record. Personal holidays are prorated for employees that work less than 12 months of the year or a part time schedule. Personal holidays are prorated according to the employee's full time equivalency (FTE) in the payroll accounting system. Personal holiday hours are not carried over from one year to the next. At the end of the year, unused personal holiday hours are forfeited.

In the event of conflict between this provision of the manual and any provision of a valid and effective collective bargaining agreement, employee contract, or in cases where the application of these policies would conflict with applicable Civil Service rules and regulations, the provisions of the contract and/or the Civil Service rules shall govern

(2) Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holidays. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the employee's full time equivalency (FTE) budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on each City approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff are not eligible to receive holiday pay.

- (3) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. (See VACATIONS, Policy 502; and ABSENCES, POLICY 702.) If an employee is absent on one or both of these days because of an illness or injury, the City of Anacortes may require verification of the reason for the absence before approving holiday pay. (See MEDICAL PROCEDURES, Policy 205.)
- (4) A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will be observed the following Monday. Shift workers observe holidays on the actual day it occurs.
- (5) If a holiday occurs during an employee's vacation period, the employee will be required to record the day as holiday pay on their timesheet.
- (6) The City of Anacortes recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City of Anacortes's regular holiday schedule. Employees may use personal holidays or accrued vacation for these occasions.
- (7) The City of Anacortes may schedule work on observed holidays as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the day or a "floating" holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

POLICY 504 CONTINUING EDUCATION

Policy:

The City of Anacortes attempts to provide employees with flexible work schedules when taking Mayor approved educational courses.

Comment:

Flexible work schedules will be considered if the City of Anacortes determines the courses of study are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the City of Anacortes and to which the individual in the view of management has a reasonable expectation of advancing.

POLICY 505 EMPLOYEE COUNSELING

Policy:

The City of Anacortes assists employees with referral services that will help in solving personal problems, both on and off the job, financial planning, and career planning.

Comment:

- (1) The City of Anacortes recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal problems are encouraged to seek assistance from the Employee Assistance Program (EAP). The Employee Assistant Counselors are available 24 hours a day, seven days a week to arrange an appointment with a qualified counselor. The telephone number for EAP is 1-800-570-9315.
- (2) Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.
- (3) Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
 - (a) If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the City's Employee Assistance Program.
 - (b) If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)
- (4) Employees needing extended treatment may request a leave of absence in accordance with the City of Anacortes's leave policy. (See ABSENCES, Policy 702.)
- (5) The Human Resource Department will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning. (See TERMINATION OF EMPLOYMENT, Policy 213; RETIREMENT, Policy 214; and EDUCATIONAL ASSISTANCE, Policy 504.)
- (6) Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. (See PERFORMANCE APPRAISALS, Policy 302.) In certain circumstances, however, the City of Anacortes may require an employee to participate in counseling as a condition of continued employment. (See DRUGS, NARCOTICS, AND ALCOHOL, Policy 808.)
- (7) Communications between employees, supervisors, the Human Resource Department, the Employee Assistance Program, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of City of Anacortes property.

POLICY 506 EMPLOYEE RECOGNITION AND SERVICE AWARDS

Policy:

The City of Anacortes recognizes employee contributions and service to the organization by presenting employee recognition and service awards to eligible employees according to the guidelines below.

Comment:

(1) The City of Anacortes may reward outstanding performance and productivity by presenting recognition awards to eligible employees. Generally, the Mayor will be responsible for setting eligibility requirements and implementing the different programs. Department heads and supervisors may assist in determining award recipients for the Mayor's Award of Merit. In most cases, Mayor's Award of Merit awards will be presented at a City Council meeting following the determination of an award recipient. The Mayor is responsible for identifying the employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.

(2) All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 1, 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees, ordering the awards, and helping management to arrange for appropriate announcements and publications of awards, both internally and externally.

(3) Regular full time and regular part time employees are eligible to accrue longevity benefits as described in their applicable bargaining agreement. Non-union employees receive \$2.00 per month for each year of service beginning at their 5th year of service. The maximum longevity benefit per month is \$40.00.

(4) The IRS classifies cash and gift certificate awards as taxable income. Payroll will withhold taxes accordingly.

POLICY 507 EXERCISE AND WELLNESS PROGRAMS

Policy:

The City of Anacortes encourages employees to participate in exercise and wellness programs.

Comment:

- (1) The Human Resource Department is responsible for administering exercise and wellness programs.
- (2) Participation in City of Anacortes recreational programs is open to regular full-time or regular part-time employees who are regularly scheduled to work 20 or more hours per week. Spouses, domestic partner and eligible dependents (under age 23) of these employees may participate. Volunteer firefighters and paramedics are eligible to participate. Temporary employees are not eligible to participate. These programs are voluntary and should take place outside normal working time. In order to be eligible for reimbursement of a portion of the membership dues, the employee or eligible dependent must use the fitness facility at least ten times per month.
- (3) Employees, spouses, domestic partners, and eligible dependents are limited to one health club reimbursement per month, per person. Eligible family members are not required to work out at the same facility.
- (4) The extent of City of Anacortes financial support for each program will be determined on an annual basis. The City of Anacortes subsidizes the use of local fitness centers in Skagit County. These subsidies are considered taxable income.
- (5) Participation in the City of Anacortes wellness program is limited in some situations to employees who have medical benefits through the City of Anacortes.
- (6) Participating employees may be required to sign waiver of liability forms.
- (7) The City of Anacortes retains the right to change all aspects of its exercise and wellness programs and to discontinue their existence.

POLICY 601 EMPLOYEE SAFETY and the SAFETY COMMITTEE

Policy:

The City of Anacortes complies with all applicable federal, state, and local health and safety regulations and provides a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Anacortes or by federal, state, or local law. The Safety Committee maintains an Accident Prevention Manual.

Comment:

- (1) The City of Anacortes has appointed a Safety Committee to oversee the City of Anacortes's safety policies and procedures.
- (2) All employees are responsible for ensuring that they understand and comply with all City of Anacortes safety rules, regulations, and procedures. All employees are responsible for:
 - (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
 - (b) Inspecting their work areas periodically;
 - (c) Identifying conditions that are recognized as being unsafe; and
 - (d) Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care. (See MEDICAL PROCEDURES, Policy 205.)

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be included in the employee's personnel folder.

- (3) Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
- (4) Violations of City of Anacortes safety rules, regulations, or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)

(5) CPR, First Aid, & Blood Borne Pathogen Training

Employees are offered CPR and First Aid training, depending on the employee's job position the training may be mandatory.

Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current.

Employees who may be exposed to Hepatitis A or Hepatitis B as disclosed in their job description have the option to receive Hepatitis A and Hepatitis B vaccinations paid for by the City of Anacortes. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or decline the vaccinations.

POLICY 602 PERSONAL PROPERTY

Policy:

The City of Anacortes asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

Comment:

- (1) The City of Anacortes recognizes that employees may bring certain personal items to work such as family photographs, houseplants, or other small decorative items for their work spaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
- (2) Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The City of Anacortes is not responsible for the loss, damage, or theft of personal belongings; and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- (3) The City of Anacortes may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the City of Anacortes will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility.
- (4) To maintain security and protect against theft, the City of Anacortes reserves the right to inspect when presented with reasonable suspicion all personal property brought onto the City of Anacortes's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and remove all City of Anacortes property and other items that violate City of Anacortes rules and policies. (See SECURITY, Policy 605.)
- (5) Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the Facilities Manager. Inquiries regarding lost property should be directed to the Facilities Manager.

POLICY 603 SOLICITATION

Policy:

The City of Anacortes prohibits solicitation and distribution on its premises by non-employees and permits solicitation and distribution by employees only as outlined below.

Comment:

- (1) The City of Anacortes limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers, and pose a threat to security.
- (2) The Human Resource Department is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)
- (3) Individuals not employed by the City of Anacortes are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the Mayor's approval,) or engaging in any other solicitation, distribution, or similar activity on City of Anacortes premises.
- (4) The City of Anacortes may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but their participation is entirely voluntary.
- (5) The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:
 - (a) Soliciting and distributing literature, or selling merchandise or services, during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
 - (b) Distribution of literature is prohibited in work areas at all times.
 - (c) Distributing literature in a way that causes litter on City of Anacortes property is prohibited.
 - (d) Employees may not use City facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools.
- (6) The City of Anacortes maintains various communication systems to communicate City of Anacortes information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any City of Anacortes property is prohibited. (See USE OF COMMUNICATION SYSTEMS, Policy 804.)

POLICY 604 PARKING

Policy:

The City of Anacortes provides parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

Comment:

- (1) The City of Anacortes will provide parking for as many employees as practical. Special spaces will be designated for certain employees, customers, and visitors.
- (2) The City owned parking lots are considered part of the City of Anacortes premises; therefore, all City of Anacortes policies and rules apply to employees and their vehicles while on the lots. (See BEHAVIOR OF EMPLOYEES, Policy 801.)
- (3) Employees who use the City of Anacortes parking lots do so at their own risk. The City of Anacortes assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots (See PERSONAL PROPERTY, Policy 602 and SECURITY, Policy 605.)

POLICY 605 SECURITY

Policy:

The City of Anacortes makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

Comment:

- (1) Employees (unless required to carry a firearm or weapon as a condition of employment), are prohibited from possessing firearms or other weapons on City of Anacortes property and at events sponsored by the City of Anacortes. Employees (unless required to carry a firearm or weapon as a condition of employment) are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business. *(Note: While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116 Wn. 2d 794, 808 P.2d 746 (1991). This cited reference indicates that since 1991 municipalities have had the right to prohibit employees from carrying weapons.)*
- (2) All personal property brought onto the City of Anacortes's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection with reasonable suspicion. In addition, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all City of Anacortes property and other items that are in violation of City of Anacortes rules and policies. (See PERSONAL PROPERTY, Policy 602.)
- (3) Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example, police and fire employees.). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
- (4) Employees may remain at their workplace outside their normal working hours only when authorized to do so by their supervisor.
- (5) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City of Anacortes premises and while away from the premises on business. The City of Anacortes assumes no responsibility for loss, damage, or theft of personal property. (See PERSONAL PROPERTY, Policy 602.)
- (6) Employees are expected to know and comply with the City of Anacortes's security procedures and should report any violations or potential problems to the Police Department. Violations of City of Anacortes security rules or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)
- (7) Employees are issued identification badges that must be available for display while working for and representing the City of Anacortes.

POLICY 606 SMOKING

Policy:

The City of Anacortes complies with all applicable federal, state, and local regulations regarding smoking in the workplace and provides a work environment that promotes productivity and the well being of its employees.

Comment:

(1) The use of tobacco in the workplace is now in violation of the law in the State of Washington. Accordingly, the use of smoking and smokeless tobacco products are restricted in all of its facilities.

(2) Smoking is prohibited inside all City of Anacortes facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on the City of Anacortes's premises.

(3) Smoking is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to keep smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Anacortes's grievance procedure. (See Dispute Resolution Procedure, Policy 902.) Employees who violate the policy will be subject to disciplinary action. (See Disciplinary Procedure, Policy 807.)

Facility	Designated Smoking Area
City Hall	Picnic Table on East Side Parking Lot
Fire	Main station & Norman Brown Station: In employee's personal vehicles
Police	Parking space in the SE corner of the rear parking lot of the Police/Court facility
Waste Water Treatment Plant	Administration building parking lot or the sidewalk by the aeration basin
Water Treatment Plant	East end of the filter deck
Operations	At the south side of the parking lot within the 10'x 10' area by the picnic table
Library	In the south parking lot
Museum	There is no designated area

(4) Employees may contact the Human Resource Department for information regarding the effects of smoking and the availability of smoking cessation programs.

POLICY 701 ATTENDANCE AND PUNCTUALITY

Policy:

The City of Anacortes requires employees to report for work punctually and to work all scheduled hours and overtime required by business necessity. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

Comment:

- (1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. (See Hours of Work, Policy 209.) Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
- (2) Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.
- (3) Employees will be compensated during authorized absences in accordance with the policies contained in Absences, Policy 702 and types of absences, Policy 503. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City of Anacortes properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
- (4) Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. (See Employee Safety and the safety committee, Policy 601; and Personal Appearance of Employees, Policy 802.) Employees, who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. (See MEDICAL PROCEDURES, Policy 205; and DRUGS, NARCOTICS, AND ALCOHOL, Policy 809.)
- (5) Employees generally are expected to report for work during inclement weather conditions if the City of Anacortes, specifically the Mayor or the Mayor's designee, does not declare an emergency closing.¹ During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, exchange time off, or leave without pay.

¹ Clarified in 2007 that the Mayor or the Mayor's designee is the only official authorized to declare an emergency closing

- (6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.
- (7) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. (See MEDICAL PROCEDURES, Policy 205.) The supervisor should record the information in the employee's file and forward a copy to the Human Resource Department. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination. (See ABSENCES, Policy 702; and DISCIPLINARY PROCEDURE, Policy 807.)
- (8) Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
- (9) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.) An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in ABSENCES, Policy 702, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
- (10) Employees who are absent from work for three consecutive days without giving proper notice to the City of Anacortes will be considered as having abandoned the job. At that time, the City of Anacortes will formally note the termination and advise the employee of the action by certified mail to the employee's last known address. (See TERMINATION OF EMPLOYMENT, Policy 213.)

POLICY 702 ABSENCES

Policy:

The City of Anacortes permits employees to be absent from work on an authorized basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the City will provide compensation according to the guidelines below.

Comment:

(1) Sick Leave

- (a) Regular, full time employees, accrue paid sick leave at the rate of 8 hours per calendar month of continuous employment. Regular part time employees whose full time equivalency is 50% or more are entitled to sick leave accrual on a pro-rata basis. Temporary employees are not eligible for paid sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.
- (b) The maximum number of hours of sick leave that an employee can accumulate is one thousand, four hundred, forty (1440) hours.
- (c) Sick leave may be used for any of the following purposes:
 - (i) Personal illness or incapacity of the employee;
 - (ii) Forced quarantine of the employee by a public health official;
 - (iii) To care for the employee's dependent children under age 18 who are ill;
 - (iv) To attend the birth of the employee's child;
 - (v) Use of a prescription drug that impairs job performance or safety;
 - (vi) Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;
 - (vii) For any purpose described in the WA Family Care policy set forth below.

Sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy below.) Employees may be required to provide medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for three or more consecutive days, or in other situations as deemed appropriate by the City of Anacortes (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved FMLA leave) may lead to disciplinary action up to and including termination.

- (d) Upon retirement, employees are eligible for reimbursement of a portion of their unused sick leave proportionate to their sick leave balance:

Sick Leave Balance at Retirement	Percent Reimbursement
0-800 hours	0%
801-1251 hours	18%
1251-1440 hours	25%

(2) Family and Medical Leave

Recognizing the importance of family and out of concern for the well being of our employees, the City of Anacortes family and medical leave program enable employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal **Family and Medical Leave Act (FMLA)** and the **Washington Family Leave Act (FLA)**. A notice entitled “Employee Rights and Responsibilities Under the Family and Medical Leave Act” is posted in break rooms and is provided to employees upon hire and included in the appendix of this manual. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlement to medical or family leave than those set forth in this policy.

(a) **Eligibility** To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City of Anacortes for at least 12 months, must have worked at least 1,250 hours in the preceding 12 months, and must work at a location where at least 50 employees are employed by the City of Anacortes within 75 miles.

(b) **Leave Entitlement** An eligible employee may request up to 12 workweeks of FMLA leave per “leave year” for one or more of the following reasons:

- (i) To care for the employee’s child upon birth, or to care for a child upon the child’s placement with the employee for adoption or foster care;
- (ii) To care for a spouse, son, daughter, or parent who has a serious health condition;
- (iii) To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care, or childbirth); or
- (iv) For a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are

generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post- deployment reintegration briefings.

The City of Anacortes defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City of Anacortes are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child, or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

(c) **Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves

- (i) Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility;
- (ii) A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- (iii) A period of incapacity due to pregnancy or for prenatal care;
- (iv) A period of incapacity or treatment due to a chronic serious health condition, for which a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more the three full, consecutive calendar days in the absence of medical treatment (e.g. chemotherapy for cancer or dialysis for kidney disease.)

(d) **Intermittent or Reduced Work Schedule Leave**

In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City of Anacortes's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City of Anacortes operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City of Anacortes may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

(e) **Notice and Certification**

Employees who want to take FMLA ordinarily must provide the City of Anacortes with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practical (which is generally the same day or next business day after the need for leave becomes known.) Absent unusual circumstances, employees are required to follow the City of Anacortes' regular procedural requirements when requesting FMLA leave. (See ATTENDANCE AND PUNCTUALITY, Policy 701.) When requesting leave, employees must provide sufficient information for the City of Anacortes to determine whether the leave may be FMLA qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City of Anacortes if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City of Anacortes operation.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from the health care provider of the serious health condition. The City of Anacortes may require a second or third opinion (at the City of Anacortes expense,) periodic recertification of the serious health condition, and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work.

Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City of Anacortes may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City of Anacortes also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.

(f) **Continuation of Pay and Benefits**

FMLA leave is unpaid leave. However, employees are required to use accrued sick leave for sick leave qualifying events as part of their 12 weeks of FMLA leave.

During all leave under this family and medical leave policy, the City of Anacortes will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of the insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City of Anacortes for the employer portion of the health insurance premiums. Leave such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave.

(g) **Job Restoration Upon Return from Leave**

Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits, and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave.) If the employee chooses not to return to work for any reason, the employee should notify the City of Anacortes as soon as possible.

(h) **Leave for Pregnancy Disability and to Care for a Newborn**

Note: The pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

Under *Washington State Law*, pregnant employees are entitled to additional unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

The pregnancy disability leave runs concurrent (at the same time) with the FMLA, and does not extend the 12 weeks of leave allowed under federal law.

The pregnancy disability leave runs consecutive (one begins after the other ends) with the FLA, and does extend the 12 weeks of leave allowed under state law for the duration of the physical disability. Thus, a pregnant employee with no complications in the pregnancy and childbirth is likely entitled to 18 weeks to 20 weeks of leave (6 to 8 weeks of physical disability leave, plus 12 weeks of leave under the FLA.) The FLA is unpaid leave

unless the employee has accrued vacation and/or sick leave available (and the reason for the leave is sick leave qualifying.)

Male employees may use 80 hours of paid sick leave during the birth and immediately following the birth of the employee's child.

For more information on any of these leave policies, or if you think you may need to take a Family and Medical Leave, please contact Human Resources. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

(3) Jury or Witness Duty

Employees who are required by law to render jury service will be granted time off during period of jury duty. Nonexempt employee will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year. Payment received from the courts during City-paid jury duty leave must be paid to the City. Expense reimbursements, such as mileage, do not need to be paid to the City. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City of Anacortes may ask the employee to request a waiver from duty; in such cases: the City of Anacortes will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.

An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Anacortes.

(4) Military Leave

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employee who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

(a) Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty, and provide the supervisor with a copy of the military orders.

(5) Leave for Spouses of Military Personnel (Non-FMLA)

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City of Anacortes with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute available accrued vacation, compensatory time, or exchange time leave for any part of this family military leave.

(6) Family Care/Use of Accrued Leave to Care for Sick Family Member

Consistent with the **Washington Family Care Act**, employee may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, parent, parent-in-law, or grandparent as described below.

An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services.)

An employee may use available paid time off when a spouse, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility
- Resulting in any period of incapacity or treatment or recovery following inpatient care
- Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e. demanding immediate action)

Where the need for family care leave is unexpected, the City of Anacortes understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City of Anacortes reserves the right to require verification or

documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

(7) Bereavement Leave

In the event of the death of an employee’s immediate family member, time off with pay for employee’s regular scheduled workday will be granted to regular full time employees. The phrase “immediate family” for the purposes of the bereavement policy includes the employee’s spouse or domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

Three consecutive workdays off with pay will be approved to attend the funeral or memorial service. (Maximum 24 hours)

Two additional consecutive work days off with pay will be approved for travel from the employee’s home to the funeral or memorial service if the travel exceeds two hundred (200) miles each way. (Maximum 16 hours)

Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular part time employees.

(8) Domestic Violence/Sexual Assault Leave

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee’s accrued paid leave (e.g. vacation, compensatory time, exchange time, or sick leave if it qualifies) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or

- To participate in safely planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City of Anacortes may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City of Anacortes will maintain confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave.

(9) Organ and Bone Marrow Donation Leave

- (a) Employees may take paid leave, not to exceed five days in a two-year period, as needed for the sole purpose of participating in life-giving procedures as defined below. Such leave shall not be charged against sick leave or vacation leave, and use of leave without pay shall not be required.
- (b) Departments may take into account program implementation and staffing replacement requirements in the scheduling of such leave time. Employees are required to provide reasonable advance notice of a desire to take paid leave time.
- (c) When planning for and granting paid leave, department heads shall take into account provisions of collective bargaining agreements that cover leave usage. Any additional leave time needed for life-giving procedures shall be subject to the City of Anacortes Personnel Policies and Collective bargaining agreements.
- (d) Employees must provide written proof from an accredited medical institution, physician or other medical professional that the employee participated in a life-giving procedure.
- (e) "Life-giving procedure" shall mean a medically supervised procedure involving the testing, sampling, or donation of organs or bone marrow for the purposes of donation, without compensation, to a person or organization for medically necessary treatments.
- (f) This does not create any entitlement or other right that may be converted to cash, other compensation, or any other benefit. It is intended only to encourage altruistic life-giving procedures, and to allow paid leave to participate in such procedures.

(10) Leave Share Program

- (a) Eligible employees may donate excess sick or vacation leave for use by another employee who is suffering from an extraordinary medical emergency. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- (b) Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and

exchange time) and would otherwise be on a leave without pay and has been found to be ineligible to receive industrial insurance benefits. The employee receiving a sick leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally received if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.

(c) The maximum number of days an employee can receive of donated leave is 90 per calendar year. The Mayor and Human Resource Department retain discretion to determine the eligibility to receive donated leave.

(d) The maximum amount of sick leave that can be donated per request, per calendar year is 40 hours. The donating employees' sick leave balance may not fall below 480 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

(11) Coordination of Wages with Worker's Compensation

Employees receiving salary continuation through Workers Compensation who are still receiving their regular wages from the City of Anacortes by usage of their accrued sick leave, must return their Workers Compensation payment to the Finance Department. The Finance Department will then use the check amount to reinstate the employee's sick leave balance at the employee's current rate of pay. Vacation, comp time, exchange time, or shift trades should not be used during a work related injury or illness.

(12) Other Unpaid Leave

Subject to operation and other considerations, the Mayor may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation.

(13) Administrative Leave

On a case by case basis, the Mayor may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the City of Anacortes' best interest, such as during the pendency of an investigation.

(14) Benefits During Leave

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation. In certain cases, self payment of insurance premiums may apply. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.)

(15) Outside Employment

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service or explicitly approved by the Mayor.

(16) Employees cannot receive "advances" against their accrued sick leave or vacation banks. Employee will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation. (See HOURS OF WORK, Policy 209.)

POLICY 703 REST BREAKS

Policy:

The City of Anacortes provides rest breaks during the course of each workday.

Comment:

- (1) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period. (See MEAL BREAKS, Policy 704.)
- (2) Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
- (3) Time spent on rest breaks will be compensated as working time. (See HOURS OF WORK, Policy 209.) However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- (4) Employees are expected to take their rest breaks. Employees who choose to remain at their work stations during rest breaks are expected to take their rest break shortly thereafter, and are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time.
- (5) Employees on rest breaks may not interfere with other employees who are continuing to work. (See SOLICITATION, Policy 603)

POLICY 704 MEAL BREAKS

Policy:

The City of Anacortes provides meal breaks during the course of each workday.

Comment:

- (1) Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes. In departments operating on two or three shifts, the meal break will be thirty minutes, depending on operating requirements.
- (2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
- (3) Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- (4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
- (5) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks. (See HOURS OF WORK, Policy 209)
- (6) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work. (See SOLICITATION, Policy 603)

POLICY 801 BEHAVIOR OF EMPLOYEES

Policy:

The City of Anacortes finds that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City of Anacortes, or is offensive to customers or coworkers will not be tolerated.

Comment:

(1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the City of Anacortes. Appropriate employee conduct includes:

- (a) Treating all customers, visitors, and coworkers in a courteous manner;
- (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City of Anacortes's best interests (See PRODUCTIVE WORK ENVIRONMENT, Policy 202);
- (c) Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers (See SECURITY, Policy 605);
- (d) Reporting to the Human Resource Director any threatening or potentially violent behavior of coworkers;
- (e) Cooperating with City of Anacortes investigations (See PRODUCTIVE WORK ENVIRONMENT, Policy 202; and SECURITY, Policy 606);
- (f) Complying with all City of Anacortes safety and security regulations (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601; and SECURITY, Policy 606);
- (g) Wearing clothing appropriate for the work being performed (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601; and PERSONAL APPEARANCE OF EMPLOYEES, Policy 802);
- (h) Performing assigned tasks efficiently and in accord with established quality standards;
- (i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (See ATTENDANCE AND PUNCTUALITY, Policy 701);
- (j) Giving proper advance notice whenever unable to work or report on time (See ATTENDANCE AND PUNCTUALITY, Policy 701);
- (k) Smoking only at times and in places not prohibited by City of Anacortes rules or local ordinances (See SMOKING, Policy 606); and
- (l) Maintaining cleanliness and order in the workplace and work areas.

(2) The following are examples of conduct that is prohibited. Individuals engaged in it will be subject to discipline, up to and including termination (See DISCIPLINARY PROCEDURE, Policy 807):

- (a) Possessing firearms or other weapons on City of Anacortes property (unless employee is required to carry a firearm or other weapon as a condition of employment);
- (b) Fighting or assaulting a coworker or customer;
- (c) Threatening or intimidating coworkers, customers, or guests;

- (d) Engaging in any form of sexual or other harassment (See PRODUCTIVE WORK ENVIRONMENT, Policy 202);
- (e) Reporting to work under the influence of alcohol, illegal drugs, controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on City of Anacortes premises (See DRUGS, NARCOTICS, AND ALCOHOL, Policy 808);
- (f) Disclosing confidential City of Anacortes information (See MEDIA INQUIRIES, Policy 806);
- (g) Falsifying or altering any City of Anacortes record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
- (h) Stealing, destroying, defacing, or misusing City of Anacortes property or another employee's or customer's property;
- (i) Misusing City of Anacortes communications systems, including electronic mail, computers, Internet access, and telephones (See USE OF COMMUNICATION SYSTEMS, Policy 804);
- (j) Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
- (k) Failing to wear assigned safety equipment or failing to abide by safety rules and policies (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601);
- (l) Soliciting or distributing in violation of City of Anacortes policies (See SOLICITATION, Policy 603);
- (m) Smoking where prohibited by local ordinance or City of Anacortes rules (See SMOKING, Policy 606);
- (n) Using profanity or abusive language (See USE OF COMMUNICATION SYSTEMS, Policy 804);
- (o) Sleeping on the job without authorization;
- (p) Gambling on City of Anacortes property;
- (q) Playing pranks or engaging in horseplay; and
- (r) Wearing improper attire or having an inappropriate personal appearance (See PERSONAL APPEARANCE, Policy 802);

(3) The examples of impermissible behavior described in Comment (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the City of Anacortes's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resource Department.

POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES

Policy:

The City of Anacortes requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

Comment:

- (1) Employees are expected at all times to present a professional image to customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Anacortes. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- (2) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire or athletic clothing, and similar items of casual attire that do not present a professional appearance.
- (3) Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and professional as working conditions permit.
- (4) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of the their job.
- (5) On Fridays, the City of Anacortes allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- (6) An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

POLICY 803 PERSONAL FINANCES OF EMPLOYEES

Policy:

The City of Anacortes expects employees to meet their financial obligations in a timely manner.

Comment:

- (1) Employees should manage their personal finances so that they do not adversely affect job performance or the City of Anacortes's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City of Anacortes through extra bookkeeping and the need to respond to legal notices and court orders.
- (2) The City of Anacortes will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.
- (3) The City of Anacortes will conduct credit checks of applicants for employment in accordance with its hiring policy.
- (4) The Payroll manager of the Finance Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Department will notify the affected employee and then deduct the required amount from the employee's earnings, up to the limit permitted by law.
- (5) No employee will be disciplined because their earnings have been garnished for one indebtedness. However, multiple garnishments may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions

POLICY 804 USE OF COMMUNICATION SYSTEMS

Policy:

The City of Anacortes provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

Comment:

(1) Communications systems and equipment are provided by the City of Anacortes to facilitate the performance of City work. Incidental personal use is secondary, should not interfere or conflict with business use or job performance, should clearly indicate that it is personal usage and is subject to regulation for cost controls required by the City. All communication systems must be used in compliance with applicable statutes, regulations, and the City's policies including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and sound judgment to avoid any communication which is disrespectful, offensive, or illegal.

(2) All City of Anacortes communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City of Anacortes. Department Heads or as designated Division Managers may access and monitor employee communications and files considered appropriate. Communication services and equipment include, among other things: mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, voice mail, and bulletin boards.

(3) The City as provider of access to communication systems reserves the right to specify how the City's network resources will be used and administered to comply with this policy. Message content sent from City communication systems reflects the city's image, both positively and negatively. Employees may be subject to disciplinary action for using these resources in a manner other than for the intended purposes. The information sources available via the Internet are world wide and constantly growing in kind and number. It is not possible for any organization to fully manage the types and content of information accessed by its systems and users. Nonetheless, the City reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the City determines such a source to be problematic. These restrictions do not constitute an implication of approval of other non-restricted sources.

Without exhausting all of the possibilities, the following are examples of inappropriate use of City communication systems:

(a) Exposing others, either through carelessness or intention, to materials which are offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive, threatening, or hostile work environment.

(b) Any use that may for a reasonable person create or further a hostile attitude or give offense on the basis of any protected class including sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation, disability, military status or any other characteristic protected by law.

(c) Communication of confidential city information to unauthorized individuals within or outside the City. (See MEDIA INQUIRIES, Policy 806.)

(d) Sending messages or information which is in conflict with applicable law or City policies, rules, or procedures.

(e) Unauthorized attempts to access data or break into any City or non-City system.

(f) Theft or unauthorized copying of electronic files or data including documents, photographs, and music or video files

(g) Intentional misrepresentation of one's identity for improper or illegal acts.

(4) Incidental personal use by employees of the City's communications services and equipment is allowed as long as the use does not interfere with the employee's work or the City's operations and does not violate any City policy. Employees must properly log any personal-use charges and reimburse the City for them. However, whenever possible, personal communications that incur usage charges should be placed on a collect basis or charged directly to the employee's personal credit card or account.

(5) City communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor. Some resources (designated laptop computers and audio-visual equipment) are made available through a reservation system and may not require supervisory approval. In addition, employees should keep use of personal cell phones or other personal handheld communication devices to a minimum so that their use does not interfere with the employee's work or the City's operations.

(6) Employees should ensure that no personal correspondence appears to be an official communication of the City of Anacortes. Employees may be perceived as representatives of the City of Anacortes and, therefore, damage or create liability for the City. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and work-related. Employees may not use a City of Anacortes's address for receiving personal mail or use City of Anacortes stationery or postage for personal letters. Only the City of Anacortes may issue personalized stationery and business cards bearing the City's logo.

(7) Employees must bear in mind that email is not private and its source is clearly identifiable. Email messages may remain part of City business records long after they have been deleted. Electronic records, including e-mail messages, are public records subject to Washington State's Public Disclosure Records Act, and will be disclosed upon request unless an exemption to disclosure is found to apply. In general, e-mail is subject to discovery in civil lawsuits.

(8) Email may not be used for spam (unsolicited bulk email) or to send or post chain letters, messages of a political or religious nature, or messages that contain obscene, profane, or otherwise offensive material or language.

(9) Cellular Phone Reimbursement. Employees are responsible for reimbursing the City of Anacortes for all personal cellular phone charges. There is no free period for personal calls. Each personal call must be reimbursed to the City at the current rate of reimbursement. This requirement applies to both incoming and outgoing personal telephone calls. Employees are responsible for identifying personal calls on the monthly bill and reimbursing the City by check, money order, or exact cash. Payments are due within 5 working days after the employee receives the invoice copy. The employee invoice must have all personal calls checked, initialed, and submitted with payment. Failure to promptly reimburse the City of Anacortes may result in a payroll deduction. Whenever possible, personal communications that incur user charges should be placed on a collect basis or charged directly to the employee's personal credit card or account.

Instructions for determining payment due:

All Minutes and Seconds should be rounded up to the next minute.

Formula: Minutes X current rate = Reimbursement

Example: 4 minutes X \$0.10 = \$0.40

All City of Anacortes cellular phones are programmed with staff contacts to promote optimal use of the network. The Public Works Operations Division maintains the master database.

(10) Emergency Contact Employees who do not have direct access to a City of Anacortes telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to the Human Resource Department. Although the City of Anacortes will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.

(11) Improper use of City of Anacortes communications services and equipment or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted communications. (See PRODUCTIVE WORK ENVIRONMENT, Policy 202; and BEHAVIOR OF EMPLOYEES, Policy 801.)

POLICY 805 CONFLICTS OF INTEREST

Policy:

The City of Anacortes prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City of Anacortes. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

Comment:

- (1) Employees are expected to represent the City of Anacortes in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.
- (2) Employees may not, directly or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Anacortes.
- (3) Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Anacortes. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
- (4) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the City of Anacortes may have.
- (5) Employees may not accept any employment relationship with any organization that does business with the City of Anacortes. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the City of Anacortes.
- (6) Any conflict or potential conflict of interest must be disclosed to the City of Anacortes. Failure to do so will result in discipline, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.)

POLICY 806 MEDIA INQUIRIES

Policy:

All media inquiries and other inquiries of a general nature should be referred to the Department Head or Division Manager. In addition, the Mayor must approve all press releases, publications, speeches, or other official declarations. (See SECURITY, Policy 605.) The Mayor may authorize specific employees to respond to media inquiries without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Human Resource Department.

POLICY 807 DISCIPLINARY PROCEDURE

Policy:

The City of Anacortes expects that all employees comply with the City of Anacortes's standards of behavior and performance and that noncompliance with these standards must be corrected.

Comment:

(1) Under many circumstances, the City of Anacortes utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit, and to terminate all at-will employees with or without cause.

(2) Depending on the circumstances, the City of Anacortes may utilize the following procedures:

(a) If an employee is not meeting City of Anacortes standards of behavior or performance, the employee's supervisor should take the following action:

- (i) Meet with the employee to discuss the matter;
- (ii) Inform the employee of the nature of the problem and the action necessary to correct it; and
- (iii) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.

(b) If there is a second occurrence, the supervisor should hold another meeting with the employee and take the following action:

- (i) Issue a written reprimand to the employee (the Human Resources Department should assist in the preparation of the written reprimand);
- (ii) Warn the employee that a third incident will result in more severe disciplinary action; and
- (iii) Prepare and forward to the Human Resource Department a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)

(c) If there are additional occurrences, the supervisor should take the following action, depending on the severity of the conduct:

- (i) Issue a written reprimand or warning;
- (ii) Typically the employee should be suspended immediately, and an investigation of the incidents leading up to the suspension should be conducted to determine if any action such as termination should be taken; or

- (iii) The supervisor must prepare and forward to the Human Resource Department another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.

(3) The progressive disciplinary procedures described in Comment (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

(4) The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy, or in accordance with applicable Civil Service Rules and Regulations or collective bargaining agreements. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in Comment (2), above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee. (See BEHAVIOR OF EMPLOYEES, Policy 801.) If appropriate, an investigation of the incidents leading up to the suspension may be conducted to determine what further action, if any, should be taken. (See Comment (5), below.) Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.

(5) **Pre-disciplinary Hearing** In the case of suspension or termination of an employee (other than probationary employees), the city will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary hearing. If the employee fails or refuses to appear, the suspension or termination may proceed. Pre-disciplinary hearings will be presided over by the Human Resources Director or designated representative. A non-supervisory employee who is represented by a union may request that a union representative be present at any interview if the meeting may lead to disciplinary action for that employee. The hearings are intended to be informal. The employee may show cause why they should not be suspended or terminated. Usually within two working days after the pre-disciplinary hearing, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension or termination. A longer review period may be required in situations that are more complex.

The Human Resource Department must review and approve all recommendations for termination before any final action is taken. (See TERMINATION OF EMPLOYMENT, Policy 213)

(6) Employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902)

(7) If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy; however, the City of Anacortes may still consider all past disciplinary actions in evaluating the employee. (See PERFORMANCE APPRAISALS, Policy 302.)

POLICY 808 DRUGS, NARCOTICS, AND ALCOHOL

Policy:

The City of Anacortes is dedicated to providing safe, dependable, and economical services to our community. The purpose of this policy is to ensure employee fitness for duty and to protect them and the Public from the risks associated with the abuse of alcohol and/or drugs.

Comment:

- (1) This policy applies to all employees. Parts of this policy relating to drug and alcohol testing apply only to those employees who have been deemed to work in a safety-sensitive position, including public safety employees and employees required to hold a Commercial Driver's License (CDL).
- (2) **DEFINITIONS** - The following definitions are provided for clarity:
 - (a) **Safety Sensitive Function:** An employee who must hold a CDL to perform their job or a public safety employee, including police and fire.
 - (b) **Prohibited Drugs:** Any illegal drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812) and as further defined by 21 CFR 1308.11 through 1308.15. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, the misuse of legally prescribed drugs, or the use of illegally obtained prescription drugs.
 - (c) **Allowable Drugs:** A legally prescribed drug designated by prescription or other written approval, in the employee's name, from a physician for the use of the drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization.
 - (d) The use of any substance that carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel prior to performing duties. It is the employee's responsibility to read warning labels and/or to seek medical advice from a physician when appropriate. It is also the responsibility of employees to remove themselves from service if they are experiencing any adverse effects from medication. The misuse or abuse of legal drugs while performing business is prohibited.
 - (e) **Drug Test:** The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (CG/MS) test will be performed.

- (f) **Prohibited Alcohol:** Beverages or other substances containing alcohol, including any medication, mouthwash, food, candy or any other substance, such that alcohol is present in the body while on City of Anacortes property, time or in other circumstances that might adversely affect operations, safety or job performance is prohibited.
- (g) **Alcohol Test:** A breath alcohol concentration test will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved evidential breath device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of point zero two (.02) or greater, a second test will be performed to confirm the results of the initial test. Any employee who has a confirmed alcohol concentration of point zero two (.02) or greater but less than point zero four (.04) will be removed from their position for twenty-four (24) hours and considered to be in violation of this policy and subject to discipline. An alcohol concentration of point zero four (.04) or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in federal regulations for safety-sensitive employees. Alcohol testing should be performed within two (2) hours of an accident or a determination of reasonable suspicion, or the City must maintain a record stating the reasons the test was not promptly administered. Alcohol testing may not take place more than eight (8) hours after an accident or determination of reasonable suspicion.

(3) Violation of the following provisions is prohibited and punishable by disciplinary action up to and including termination:

- (a) **Manufacturing, Trafficking, Possession and Use:** Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession or use of prohibited substances on City of Anacortes premises, in City of Anacortes vehicles or while on City of Anacortes business. Employees who violate this provision will be subject to discipline, up to and including termination.
- (b) **Drug and Alcohol Use:** Employees must not report for work or continue to work if they are not fit for duty because of the presence of prohibited substances or alcohol in their system. Any employee who is reasonably suspected of being not fit for duty due to drug or alcohol use shall be suspended from duties pending an investigation of condition.
- (c) **Positive Drug Test:** The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. Any employee that has a verified positive drug test will be removed from their position immediately. The person will be informed of education and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment.

(d) **Positive Alcohol Test:** A alcohol test is considered positive if the individual is found to have a quantifiable presence or a prohibited substance in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. Any employee who tests positive for alcohol at point zero four (.04) or higher will be removed from the position immediately and referred to a Substance Abuse Professional. Any safety-sensitive employee who tests positive for alcohol at a confirmed level between point zero two (.02) – point zero three nine (.039) will be removed from their position for twenty-four (24) hours.

(4) **Failure to Comply with Testing Requirements:** Any employee who refuses to comply with a request for testing shall be removed from duty. Such refusals will be recorded as a positive test. Refusal can include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, physical absence resulting in the inability to conduct the test, or any other acts constituting refusal under 49 C.F.R. part 40.

(a) Any employee who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration or substitution will be required to undergo an observed collection by medical personnel and may be disciplined.

(5) **Notification of Criminal or DWI Convictions:** All employees are required to notify the City of Anacortes of any criminal drug statute conviction for a violation within five days after such conviction. Failure to report such conviction or any moving violation causing the loss of driver's license by state or local law enforcement involving drugs or alcohol, shall result in discipline, up to and including termination.

(6) **Failure to Comply with Treatment Requirements:** Employees are encouraged to make use of the available resources for treatment of alcohol misuse and illegal drug use problems. Under certain circumstances, employees may be required to undergo treatment for substance abuse or alcohol misuse. Any employee who refuses or fails to comply with the City of Anacortes' requirements shall be subject to discipline, up to and including termination.

(7) **Testing Procedures:** The testing process will insure protection of individual dignity, privacy and confidentiality. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the U.S. Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40, as amended.

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. All CDL and public safety employees shall be subject to testing prior to employment, for reasonable suspicion and following an accident. All employees shall be subject to testing for reasonable suspicion, and following an accident. In addition, all employees will be tested prior to returning to duty after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Employees who perform CDL or safety sensitive functions shall also be subject to follow-up testing on a random, unannounced basis. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

- (8) **Pre-employment Testing:** All safety-sensitive position applicants shall undergo urine drug testing immediately following the offer of employment, or transfer into a safety-sensitive position and prior to performing any safety sensitive functions. The employment offer is contingent upon successful test results. Receipt by City of Anacortes of a negative drug test is required prior to employment. Applicants testing positive will not be eligible to be considered for employment for a period of twelve (12) months, and must provide proof of evaluation, referral and satisfactory completion of an approved treatment program. Applicants for DOT regulated positions may also be asked to authorize the City to contact prior DOT regulated employers for whom the applicant has worked during the last two (2) years to determine if the applicant has violated DOT regulations in prior employment.
- (9) **Reasonable Suspicion Testing:** All employees may be subject to urine and/or breath testing when there are reasons to believe they are not fit for duty immediately prior to, during or immediately after performing job duties or while on City of Anacortes property.

Reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse.

Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance misuse.

- (10) **Post Accident Testing:** All employees in safety sensitive positions will be required to undergo urine and breath testing if they are involved in an accident with a City of Anacortes vehicle that results in a fatality. This includes all surviving employees who are operating the vehicle and any others whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site, unless, by the evidence available at the scene, the operator can be completely discounted as a contributing factor to the accident. All other employees may be tested after an accident if there are factors in the accident giving rise to reasonable suspicion that drugs or alcohol were involved.

Following an accident, the employee will be tested as soon as possible, but not to

exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee involved in an accident (as defined above) must refrain from alcohol use for eight (8) hours following the accident or until they undergo a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test. Employees tested under this provision will include not only the operations personnel, but also any other employees whose performance could have contributed to the accident.

- (11) **Random Testing:** Employees in CDL positions will be subject to random, unannounced urine and breath testing. The selection of CDL employees for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. The random tests will be unannounced and spread throughout the year.
- (12) **Return to Duty Testing:** All employees who previously tested positive on an alcohol and/or drug test must test negative for drugs and alcohol, and be evaluated and released for duty by the Substance Abuse Professional before returning to work.
- (13) **Follow-up Testing:** Employees who previously tested positive will be required to undergo frequent unannounced, random urine and/or breath testing following their return to duty. The follow-up testing will be performed for a period of one to five years (based on the Substance Abuse Professional's recommendation), with six (6) tests to be performed during the first year.
- (14) **Employee Requested Testing:** Any employee who questions the results of a required drug test, may request that an additional test be conducted. The test must be conducted on the split sample that was provided by the employee at the same time as the original sample. The employee pays all costs for such testing unless the result of the split sample test invalidates the result of the original test. The method of collecting, storing and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of notice of the original sample verified test result. Request after seventy-two (72) hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.
- (15) **Assessment/Assistance Referrals:** Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program. Any employee who comes forth and notifies the City of Anacortes of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a CDL driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy.
- (16) Sick leave, vacation leave, or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. Insurance coverage for treatment will be provided

to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

- (17) Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended, will be provided a list of Substance Abuse Professionals (SAP) to whom they can go for evaluation.
- (a) A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated the prohibited drug use or alcohol misuse.
 - (b) If an employee is allowed to return to duty, they must properly follow the rehabilitation program prescribed by the SAP, the employee must have a negative return-to-duty drug and alcohol test, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services is the responsibility of the employee.
- (18) **Record Retention:** All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.
- (19) **Education and Training:** Drivers subject to this policy pursuant to federal regulations will be provided with this policy and information on signs and effects of alcohol and/or drug abuse. Supervisory level staff will receive at least two (2) hours of instruction on how to identify the signs of drug and/or alcohol used or impairment and what to do in reasonable suspicion cases.
- (20) **Changes in Testing Procedures:** Should there be improvements in the technology of testing procedures providing more accurate testing the City will consider utilizing the new testing procedures.

POLICY 901 PERSONNEL RECORDS

Policy:

The City of Anacortes maintains personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

Comment:

- (1) The City of Anacortes tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
- (2) The Human Resource Department is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
- (3) Employees have a responsibility to keep their personnel records up to date and should notify the Human Resource Department in writing of any changes in at least the following:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Marital status (for benefits and tax withholding purposes only);
 - e. Number of dependents;
 - f. Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
 - g. Beneficiary designations for any of the City of Anacortes's insurance, disability plans; and for the State Department of Retirement Systems.
 - h. Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.

- (4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Human Resource Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resource Department. A reasonable charge, not to exceed the actual cost to the City of Anacortes, will be made for any copies of records made by the employee.
- (5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Human Resource Department. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)

(6) Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by the Human Resource Department.

(7) Employees should refer all requests from outside the City of Anacortes for personnel information concerning applicants, employees, and past employees to the Human Resource Department. The Human Resource Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

(8) General Retention Schedule

Documents the City is required by government regulation to retain for particular periods of time:

- (a) Job announcements for postings and application forms and/or resumes when applicant is not hired. (3 years)
- (b) Employment Interview Evaluation Files. (3 years)
- (c) I-9 forms. (Termination plus 6 years)
- (d) Records pertaining to promotion (Termination plus 6 years)
- (e) Demotion. (Termination plus 6 years)
- (f) Transfer. (Termination plus 6 years)
- (g) Layoff or termination. (Termination plus 6 years)
- (h) Payroll records. (Termination plus 6 years)
- (i) Records pertaining to the employment of minors. (Termination plus 6 years)
- (j) Records of reported occupational injuries and illness (OSHA/WISHA logs). (Termination plus 30 years)
- (k) ADA Claim and Accommodation files. (Completion of accommodation plus 6 years)
- (l) Employee medical records. (Termination plus 30 years)
- (m) Verification
- (n) Minutes from the Safety Committee (1 year)

These documents are centralized in the Human Resources Department. Generally, contents of a personnel file are retained for up to six years after an employee terminates. Other employee documents such as medical records must be retained for a longer period.

Documents the City customarily retains in the regular course of business as a part of an employee's permanent record, even if no regulation requires retention. Examples of this type of document would include performance management memos, disciplinary or warning memos, and memos describing the outcome of an internal investigation.

Other working documents that the manager may need: The manager should consider first whether a document in this category should be routed to the Human Resources Department.

The manager should contact the Human Resources Director or Representative if unclear whether or not the contents should be placed in the employee's file.

- (a) Drafts, notes of conversations
- (b) Interviews or investigations
- (c) Email
- (d) Correspondence
- (e) Memos
- (f) Other working documents that may be needed to manage ongoing issues with employees. These documents may have little utility for anyone other than for the manager and/or the employee's manager and that generally are not viewed by anyone other than HR, the manager, in some cases the employee, and perhaps Legal.

The following documents should be routed to Human Resources for inclusion in the employee's personnel or medical file. Medical files are kept separately from personnel files.

- (a) Application forms/ resumes/letters of offer
- (b) Reviews/evaluation forms
- (c) Performance Management memos
- (d) Disciplinary memos
- (e) Memos regarding the result of any internal complaint/investigation that resulted in disciplinary action being taken
- (f) Termination/resignation notices
- (g) Documents regarding the offer and/or acceptance of severance benefits
- (h) Post-termination documents referencing a former employee's eligibility or ineligibility for rehire
- (i) Applications for health, life, disability or other insurance or benefit program
- (j) Workers' compensation claims
- (k) Leave of absence
- (l) Unemployment claims
- (m) Medical records
- (n) Physician's releases
- (o) Documents pertaining to an ergonomic evaluation
- (p) Request for accommodation of a physical or mental condition.

POLICY 902 DISPUTE RESOLUTION PROCEDURE

Policy:

The City of Anacortes believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City of Anacortes will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

Comment:

(1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:

- (a) A belief that City of Anacortes policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
- (b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
- (c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, sexual orientation, or disability; and
- (d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

(2) If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Human Resources Director. If the employee believes that the Human Resources Director is involved, the employee should direct the complaint to the Mayor. While employees are encouraged to have their concerns addressed internally, they may also direct these concerns to the Washington Human Rights Commission, the Equal Opportunity Commission, or any other government agency that receives and handles such complaints. For internal complaints, the Human Resources Director or Mayor will apply this dispute resolution process beginning at Step 3.

(3) For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the City of Anacortes in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the terms “timely fashion,” “reasonable time,” and “promptly” generally will mean ten working days. Certain employees may have more than one source of dispute resolution rights, i.e. a collective bargaining agreement the City’s Civil Service Rules, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules where applicable. In all other cases, the procedures described in this section are to be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee.

(4) The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

(5) Employees who feel they have an appropriate dispute should proceed as follows:

- (a) Step One - Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized should investigate the complaint or refer it to the Human Resources Department for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution.
- (b) Step Two - Appeal the decision to the department head, if dissatisfied with the supervisor’s decision, or initiate the procedure with the department head if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor’s version of the dispute and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
- (c) Step Three - Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Mayor will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.

(6) The Human Resource Department will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult with the Human Resource Department, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.

(7) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as City of Anacortes policy. When appropriate, the decisions will be retroactive to the date of the employee’s original dispute notification.

(8) Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

(9) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.

(10) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises merit less disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Anacortes to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.

(11) The City of Anacortes may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

POLICY 903 WHISTLEBLOWER PROTECTION ACT

Policy:

The City of Anacortes, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Comment:

- (1) Improper Governmental action is any action by a city officer or employee that is:
 - (a) Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
 - (b) In violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
 - (c) Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

- (2) Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment. Emergency means a circumstance that if not immediately changed may cause damage to persons or property.

- (3) Employees who become aware of improper governmental action should follow these procedures:
 - (a) Step One – Bring the matter to the attention of the Human Resources Director, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the Human Resources Director, the employee may raise the issue directly with the Mayor.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

(b) Step Two – The Mayor or the mayor’s designees shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee’s report), the employee shall be advised of the results of the investigation. City of Anacortes officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation. To the extent allowed under the Public Record Act, personnel actions taken as a result of the investigation may be kept confidential.

(4) An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030.

(5) In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

(6) Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur.

(7) It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. An employee who believes that retaliation has occurred for reporting an improper government action should:

- (a) Step One – Employees must provide a written complaint to the Human Resources Director within thirty days of the occurrence of the alleged retaliatory action. If the Human Resources Director is involved, the notice should go to the Mayor. The written charge must specify the alleged retaliatory action and the relief requested.
- (b) Step Two - The Mayor shall investigate the complaint and respond in writing within thirty days of receipt of the written charge.
- (c) Step Three - After receiving the response of the City of Anacortes or thirty (30) days after the delivery of the charge to the City of Anacortes, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Anacortes Mayor within the earlier of either fifteen (15) days of delivery of the City of Anacortes’ response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Anacortes for response.

(d) Step Four-Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.

(8) Additional information can be obtained on the Internet:

<http://www.sao.wa.gov/Whistleblower/index.htm>

Appendix A – COBRA BENEFITS

Since the passing of federal legislation in 1985, you, your spouse and your dependents are allowed to extend your health benefits in circumstances when coverage would normally terminate. Employees, spouses and dependents have the option to continue health coverage on a self-pay basis, at group rates, when termination of employment (other than for gross misconduct), death of the employee/retiree, divorce or legal separation, or a dependent child becomes ineligible under the plan.

This optional extension of benefits is required by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), specifically Public Law 99-272, Title X, and went into effect on January 1, 1987, for all employees, retirees, and families insured by the AWC Trust health programs. Depending on the circumstances, you or your dependents will be able to extend benefits for 18, 29, or 36 months. *To receive the extension of health benefits, you must notify your employer or the AWC Employee Benefit Trust within sixty (60) days of the date that a qualifying event occurs.*

You and your spouse should take the time to read this notice carefully. In order to be eligible for extended health coverage, you and your spouse will need to know your rights and obligations as mandated by COBRA.

In 2009, President Obama signed into law the American Recovery and Reinvestment Act. This new law is effective February 17, 2009, and contains provisions affecting *involuntary termination of employment*, retroactive to September 1, 2008.

The covered employee, covered spouse and covered dependents are eligible to receive a reduced COBRA premium if:

1. You lost coverage with the AWC Trust on or after September 1, 2008 **and**
2. Your loss of coverage was due to your involuntary termination on or after September 1, 2008

Under the American Recovery and Reinvestment Act, eligibility for COBRA and the reduced premium requires that you were **involuntarily terminated from employment**.

This new law does *not* apply to you if:

1. You were not involuntarily terminated after September 1, 2008; or
2. If you voluntarily quit employment; or
3. If you continued to be employed but did not have enough hours to qualify for health coverage; or
4. If you lost your Trust health coverage for any other reason

Involuntarily terminated employees are eligible for your COBRA self-payment rate will be reduced to **35% of the normal COBRA premium rate** beginning March 1, 2009. If eligible for this premium reduction, *your eligibility for the 35% COBRA premium will end the earliest of:*

- Nine (9) months after the first month you begin receiving the reduced COBRA premium
- The first day you become eligible for health coverage through another group health plan, or entitled to Medicare; or

- The date your COBRA coverage would otherwise end (such as failure to make a timely COBRA premium payment, you become covered by another health plan, your former employer no longer offers health coverage, or your 18, 24, 29 or 36 months of COBRA has come to an end).

To ensure that terminated employee and covered family members are eligible for the reduced premium payment, the AWC Trust must verify that you were involuntarily terminated on or after September 1, 2008 and lost your Trust-sponsored health plan as a result. Your former employer must also confirm that your termination was an involuntary termination to receive this COBRA subsidy.

If you have an annual income of more than \$125,000 (or \$250,000 for married couples filing a joint income tax return) all or part of the premium reduction may be recaptured by an increase in your income tax liability for the year. If you think your income may exceed these amounts, you may wish to consider waiving your right to premium reduction.

COBRA Information

As an employee covered by an AWC Employee Benefit Trust health plan, you have a right to choose this continuation coverage if you lose your health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

As the spouse of an employee/retiree covered by an AWC Employee Benefit Trust health plan, you have the right to choose continuation coverage for yourself if you lose health coverage under the AWC Employee Benefit Trust health plan for any of the following five reasons:

- death of your spouse
- termination of your spouse's employment (for reasons other than gross misconduct)
- reduction in your spouse's hours of employment
- divorce or legal separation from your spouse
- your spouse becomes Medicare eligible

In the case of a **covered dependent child** of an employee/retiree covered by the AWC Employee Benefit Trust health plan, he or she has the right to continuation coverage if health coverage under the program is lost for any of the following six reasons:

- death of the employee/retiree
- termination of the parent's employment (for reason other than gross misconduct)
- reduction in parent's hours of employment
- parent's divorce or legal separation
- parent becomes Medicare eligible
- the dependent child ceases to be a "dependent child" under an AWC Employee Benefit Trust health plan

Under the federal law, *you or a family member has the responsibility to inform the AWC Employee Benefit Trust of a divorce, legal separation, Medicare eligibility, or a child losing dependent status under a Trust-sponsored health plan. You must inform us within sixty (60) days of the date that the event occurs in order to be eligible for continued health coverage.*

We have attached a notification form for your use should one of these events occur. The employer has the responsibility to notify AWC of the employee's death, termination of employment or reduction in hours. When the AWC Employee Benefit Trust is notified that one of these events has occurred and your employer terminates your group coverage, we will notify you of your options and that you have the right to choose continuation coverage. If you do not choose continuation coverage, your health insurance coverage will be terminated.

If you choose continuation coverage, we are required to give you coverage that is identical to the coverage provided under the plan to similarly situated employees and family members. The law requires that you be afforded the opportunity to maintain continuation coverage for 36 months unless you lost health coverage due to termination of employment or reduction in hours. In that case, the required continuation coverage period is **18 months**.

However, the 18-month period of continued coverage you receive due to termination or a reduction in hours may be extended if, during the first 18 months, a second event occurs that would also qualify you for continued coverage. However, in no case will the total period of continued coverage last longer than 36 months.

If the employee terminates employment due to a disability or becomes disabled within the first 60 days of COBRA coverage, you have the opportunity to extend the regular 18-month period for an **additional 11 months**. The disability must occur prior to or during your initial COBRA period and *must be recognized by Social Security*, and the AWC Trust must be notified within 60 days of COBRA coverage termination.

If the employee loses coverage because they have entered military service for longer than 31 days, and they are covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), they may elect to self-pay for COBRA coverage for a maximum of **24 months**.

This six month COBRA extension applies only to those employees and dependents electing COBRA coverage after December 10, 2005.

The COBRA law provides that your continuation coverage may be cut short for any of the following four reasons:

1. Your employer no longer provides health coverage to any of its employees.
2. The premium for your continuation coverage is not paid, or not paid on time, as provided by law.
3. You become covered under another group health plan when you become employed, marry, or for any other reason (unless the new plan has a pre-existing condition waiting period provision).
4. You become entitled to Medicare.

You do not have to show that you are insurable to choose continuation coverage. However, under the law, you do have to pay the entire premium for your continuation coverage.

If you have any questions about the law, please contact:

AWC Employee Benefit Trust

1076 Franklin Street SE

Olympia, WA 98501

360-753-4137,

Toll-free 1-800-562-8981 Or by email at benefitinfo@awcnet.org

Also, if you have a change in marital status, have a newborn, or adopt a child during your COBRA continuation period, have a dependent child who is losing coverage under the plan, or you or your spouse have an address change, please notify your employer and the AWC Trust (1076 Franklin Street SE, Olympia, WA 98501).

Appendix B: Family and Medical Leave Act (FMLA)

The City of Anacortes will comply with all applicable requirements of the Family and Medical Leave Act (“FMLA”).

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in any 12-month period for certain family and medical reasons. The 12-month period is a rolling period measured backward from the date an employee uses any FMLA leave, except for leaves to care for a covered service member with a serious illness or injury. For those leaves, the leave entitlement is 26 weeks in a single 12-month period, measured forward from the date an employee first takes that type of leave.

Basic Leave Entitlement

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons: (1) for incapacity due to pregnancy, prenatal medical care, or child birth; (2) to care for the employee’s child after birth or placement for adoption or foster care; (3) to care for the employee’s spouse, son or daughter, or parent who has a serious health condition; or (4) for a serious health condition that makes the employee unable to work.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include addressing issues that arise from (1) short notice of deployment (limited to up to seven days of leave); (2) attending certain military events and related activity; (3) arranging childcare and school activities; (4) addressing certain financial and legal arrangements; (5) attending certain counseling sessions; (6) spending time with covered military family members on short-term temporary rest and recuperation leave (limited to up to five days of leave); (7) attending post-deployment reintegration briefings; and (8) any additional activities agreed upon by the employer and employee that arise out of the military member’s active duty or call to active duty.

The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections During FMLA Leave

During FMLA leave, the Company will maintain the employee’s health coverage under any “group health plan” on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with

equivalent pay, benefits, and other employment terms. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Certain highly compensated key employees also may be denied reinstatement when necessary to prevent “substantial and grievous economic injury” to the Company’s operations. A “key” employee is an eligible salaried employee who is among the highest paid ten percent of the Company’s employees within 75 miles of the worksite. Employees will be notified of their status as a key employee, when applicable, after they request FMLA leave.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Employee Eligibility

The FMLA defines eligible employees as employees who: (1) have worked for the City of Anacortes for at least 12 months; (2) have worked for the City of Anacortes for at least 1,250 hours in the previous 12 months; and (3) work at or report to a worksite which has 50 or more employees or is within 75 miles of City of Anacortes worksites that taken together have a total of 50 or more employees.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in school, work, or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced work schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations. Leave due to qualifying exigencies also may be taken on an intermittent or reduced work schedule basis.

Substitution of Paid Leave for Unpaid Leave

The City of Anacortes requires employees to use any accrued paid sick days during an unpaid FMLA leave taken because of the employee’s own serious health condition or the serious health condition of a family member or to care for a seriously ill or injured family member in the military. In addition, the employee must use any accrued paid vacation or personal days (but not sick days) during FMLA leave taken to care for a newborn or newly placed child or for a qualifying exigency arising out of a family member’s active duty or call to active duty status in

support of a contingency operation. In order to use paid leave for FMLA leave, employees must comply with the Company's normal paid leave procedures found in its Vacations and Absences policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the Company's normal call-in procedures. The Company may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave, absent unusual circumstances preventing the notice.

Employees must provide sufficient information for the City of Anacortes to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the City of Anacortes if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also are required to provide a certification and periodic recertification supporting the need for leave. The City of Anacortes also may require a second, and if necessary, a third opinion (at the City of Anacortes' expense) and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. The City of Anacortes also may delay or deny approval of leave for lack of proper medical certification.

City of Anacortes Responsibilities

The City of Anacortes will inform employees requesting leave whether they are eligible under the FMLA. If they are, the notice will specify any additional information required as well as the employees' rights and responsibilities. If employees are not eligible, the City of Anacortes will provide a reason for the ineligibility.

The City of Anacortes will inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's FMLA leave entitlement. If the Company determines that the leave is not FMLA-protected, the City of Anacortes will notify the employee.

Other Provisions

Under an exception to the Fair Labor Standards Act ("FLSA") in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees; outside sales representatives; certain highly-skilled computer professionals; and certain highly compensated employees who are exempt from the minimum wage and overtime requirements of the FLSA, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of FMLA leave.

Employees may not perform work for self-employment or for any other employer during an approved leave of absence, except when the leave is for military or public service or when the City of Anacortes has approved the employment under its Outside Employment policy and the employee's reason for FMLA leave does not preclude the outside employment.

Unlawful Acts by Employers

The FMLA makes it unlawful for any employer (1) to interfere with, restrain, or deny the exercise of any right provided under the FMLA; or (2) to discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.